Tuesday, October 11, 2016

Regular Meeting 6:00 p.m.
Council Chamber
6615 Passons Blvd.
Next Resolution No. 6874
Next Ordinance No. 1100
Next Agreement No. 16-1718
**Successor Agency to PRRA**
Next Resolution No. SA-16-08
Next Ordinance No. SA-01
Next Agreement No. S16-003
**Housing Assistance Agency**
Next Resolution No. HA-96
Next Ordinance No. HA-16
**Water Authority**
Next Resolution No. 16-21
Next Ordinance No. 16-01
Next Agreement No. 16-31
**Public Financing Authority**
Next Resolution No. 16-12

ROLL CALL:
Mayor/Chairman/President:
David W. Armenta
Mayor Pro Tempore/Vice Chairman/Vice President:
Bob J. Archuleta
Councilmembers/Directors/Commissioners:
Gustavo V. Camacho
Gregory Salcido
Brent A. Tercero

Meeting jointly and regularly with the Pico Rivera Successor Agency to the Pico Rivera Redevelopment Agency (as needed); Pico Rivera *Housing Assistance Agency (as needed); *Pico Rivera Water Authority (as needed); and Public Financing Authority (as needed)

COMMISSIONERS SCHEDULED TO BE PRESENT:
Paul Gomez, Planning Commission
Linda Martinez, Sister City Commission

INVOCATION:

PLEDGE OF ALLEGIANCE:

SPECIAL PRESENTATIONS:

- Certificate of Recognition presented to Deputy Brian Perez-Argueta
- Presentation by Whittier First Day

PLEASE TURN OFF ALL PAGERS AND/OR PHONES WHILE MEETING IS IN SESSION AND PLEASE REFRAIN FROM TEXTING DURING THE MEETING

In compliance with the Americans with Disabilities Act of 1990, the City of Pico Rivera is committed to providing reasonable accommodations for a person with a disability. Please call the City Clerk’s office at (562) 801-4389, if special accommodations are necessary and/or if information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged (within 24 to 48 hours’ notice).

*Commissioners receive a $30.00 stipend per each meeting held and attended.*
PUBLIC COMMENTS - IF YOU WOULD LIKE TO SPEAK ON ANY LISTED AGENDA ITEMS OR NON-AGENDA ITEMS, PLEASE FILL OUT A GREEN PUBLIC COMMENT REQUEST FORM AND PROVIDE IT TO THE STAFF MEMBER AT THE BACK TABLE BEFORE THE MEETING STARTS.

When you are called to speak, please come forward and state your name and city of residency for the record. You have three (3) minutes to make your remarks. In accordance with Government Code Section 54954.2, members of the City Council may only: 1) respond briefly to statements made or questions posed by the public; 2) ask a question for clarification; 3) provide a reference to staff or other resources for factual information; 4) request staff to report to the City Council at a subsequent meeting concerning any matter raised by the public; and 5) direct staff to place a matter of business on a future agenda. City Council members cannot comment on items that are not listed on a posted agenda.

CONSENT CALENDAR ITEMS:
All items listed on the Consent Calendar may be acted on by a single motion without separate discussion. Any motion relating to a Resolution or Ordinance shall also waive the reading of the titles in full and include its adoption as appropriate. If discussion or separate vote on any item is desired by a Councilmember or staff, that item may be pulled from the Consent Calendar for separate consideration.

City Council:

1. Minutes:
   - City Council meeting of September 27, 2016
   Recommendation: Approve

2. 5th Warrant Register of the 2016-2017 Fiscal Year.
   Check Numbers: 273453-273544; 273547-273632
   Special Check Numbers: 273545-273546
   Recommendation: Approve

3. Adopt a Resolution Opposing the Los Angeles County Metropolitan Transportation Authority (Metro) Expenditure Plan for the 2016 Proposed Ballot Measure M.
   Recommendation:
   1. Adopt a resolution opposing the Los Angeles County Metropolitan Transportation Authority (Metro) Expenditure Plan for the 2016 proposed ballot Measure M.

   Resolution No. ______ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, OPPOSING THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY EXPENDITURE PLAN FOR THE 2016 PROPOSED BALLOT MEASURE M
4. **Installation of Traffic Control Devices – Traffic Safety.**

   Recommendation:
   1. Receive and file.

5. **Pico Park Enhancements Project (CIP No. 21279) Notice of Completion.**

   Recommendation:
   1. Accept the work as completed for the Pico Park Enhancements Project (CIP No. 21279) constructed by Salix Development, Inc., and authorize the City Clerk to file the Notice of Completion with the Los Angeles County Registrar-Recorder;
   2. Find that the requested “Changes in Work” for the Pico Park Enhancements Project have no significant effect on the environment and approve the changes in the amount of $35,078. The final contract amount with Salix Development, Inc. is $396,219;
   3. Approve the appropriation of $9,725 of additional Public Image Enhancement (PIE) Funds (Fund 220) and adjust the Fiscal Year 2016-17 budget accordingly to provide adequate project funding; and
   4. Approve the final Total Project Budget of $558,125 and authorize the City Manager to release the retention payment and all other monies due to Salix Development, Inc. following the mandatory waiting period from the date the Notice of Completion is recorded.

CONSENT CALENDAR ITEMS PULLED FOR FURTHER DISCUSSION:

REGULAR AGENDA:

City Council:

6. **Proposed Amendment to Pico Rivera Municipal Code Chapter 3.56 Establishing an Administrative Claims Procedure for Claims Exempted Under the Government Tort Claims Act.**

   Recommendation:

   Ordinance No. _______ AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, AMENDING TITLE 3, CHAPTER 3.56 OF THE CITY’S MUNICIPAL CODE RELATING TO THE PROCEDURE FOR CLAIMS AGAINST THE CITY (FIRST READING AND INTRODUCTION)

7. **Adoption of the 2016 California Building Codes, Amending Title 15, Building and Construction, of the Pico Rivera Municipal Code.**

   Recommendation:
   1. Introduce Ordinance Amending Title 15 of the Pico Rivera Municipal Code by adopting reference Parts 1 through 6, and 8 through 12 of Title 24 of the California Code of Regulations;
   2. Set a public hearing for October 25, 2016 for adoption by reference, of the Codes Incorporating the California Building Code, California Residential...
Code, California Electrical Code, California Historical Code, California Plumbing Code, California Energy Code, California Existing Building Code, California Mechanical Code, California Green Building Standards Code, California Administrative Code, California Referenced Standards Code and the Los Angeles County Fire Code; and

3. Adopt Resolution, which includes the findings necessary for the local amendments we have made to the model codes.

Ordinance No. ______ AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, AMENDING SPECIFIED CHAPTERS OF TITLE 15 OF THE PICO RIVERA MUNICIPAL CODE ADOPTING BY REFERENCE PARTS 1 THROUGH 6, AND 8 THROUGH 12 OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS

Resolution No. ______ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, SETTING FORTH FINDINGS FOR REQUIRED AMENDMENTS TO THE 2016 CALIFORNIA BUILDING STANDARDS CODES RELATIVE TO LOCAL CLIMATIC, TOPOGRAPHIC AND GEOLOGIC CONDITIONS

MAYOR/COUNCILMEMBER REPORTS ON INTERGOVERNMENTAL AGENCY MEETINGS:

AB1234 REPORTS ON TRAVEL AND CONFERENCE ATTENDANCE (RESOLUTION NO. 6640):

NEW BUSINESS:

OLD BUSINESS:

CLOSED SESSION(S):

ADJOURNMENT:

AFFIDAVIT OF POSTING

I, Anna M. Jerome, City Clerk, for the City of Pico Rivera, DO HEREBY CERTIFY, under penalty of perjury under the laws of the State of California, that the foregoing notice was posted at the Pico Rivera City Hall bulletin board, Pico Rivera website, Pico Rivera Post Office and Parks: Smith, Pico and Rivera which are available for the public to view on this 6th, day of October 2016.

Dated this 6th, day of October 2016

Anna M. Jerome, CMC
City Clerk
SB343 NOTICE

In compliance with and pursuant to the provisions of SB343 any public writing distributed by the City Clerk to at least a majority of the City Council Members regarding any item on this regular meeting agenda will be available on the back table at the entrance of the Council Chamber at the time of the City Council meeting and at the counter of City Hall at 6615 Passons Boulevard, Pico Rivera, California during normal business hours.
STATEMENT REGARDING DECORUM AT CITY COUNCIL MEETINGS

If you wish to speak at the time set aside for public comments, the City Council has established the following standards and Rules of Decorum as allowed by State law.

- Public comment is limited to those portions of the meeting referred to as Public Comments. These portions are intended for members of the public to address the City Council, Successor Agency, Housing Assistance Agency or Water Authority on matters related to agendas or any other items under the subject matter jurisdiction of the City Council or Agencies.

- A yellow Public Hearing Comment Request card must be completed to speak during a Public Hearing.

- A green Public Comment Request – Card is for those wishing to address the Council/Agency on agenda items or any other items under the subject jurisdiction of the City Council/Agency.

- Citizens may address the Council, Successor Agency or Housing Assistance Agency once for a maximum of three minutes. After each speaker returns to his/her seat, the Mayor shall determine the time and manner of response, but typically if answers are available, they will be given after all speakers have had an opportunity to address the City Council.

- Members of the audience are asked to refrain from clapping or otherwise speaking from their seats. Those not meeting the standards for decorum may be escorted from the meeting.

RULES OF DECORUM CAN BE FOUND IN THE PICO RIVERA MUNICIPAL CODE SECTION 2.08.050 AS ESTABLISHED BY ORDINANCE 783 ADOPTED ON AUGUST 20, 1990 AND AMENDED BY ORDINANCES 822 (SEPTEMBER 21, 1992) AND 1020 (MARCH 21, 2006).
Tuesday, September 27, 2016

A Regular Meeting of the City Council, Successor Agency to the Pico Rivera Redevelopment Agency and Water Authority was held in the Council Chamber, Pico Rivera City Hall, 6615 Passons Boulevard, Pico Rivera, California.

Mayor/Chairman/President Armenta called the meeting to order at 6:00 p.m. on behalf of the City Council, Successor Agency to the Pico Rivera Redevelopment Agency and Water Authority.

PRESENT: Camacho, Salcido, Tercero, Armenta
ABSENT: Archuleta (excused)

COMMISSIONERS SCHEDULED TO BE PRESENT:
Fred Zermeno, Planning Commission
Anthony Corona, Parks and Recreation Commission

INVOCATION: Delivered by Pastor Jacobo, Calvary Chapel

PLEDGE OF ALLEGIANCE: Led by Dominic Gilbert Fregoso

SPECIAL PRESENTATIONS:
- Proclamation declaring National Preparedness Month
- Certificate of Recognition presented to the Pico Rivera Sheriff’s Station Explorers for their participation in the Santa Fe Springs 3rd Annual Explorer Softball Tournament and taking the title in the Championship Game

PUBLIC HEARING:

City Council:

1. Public Hearing – Approval of the Community Development Block Grant Consolidated Annual Performance and Evaluation Report for Fiscal Year 2015-16. (1600)

Mayor Armenta opened the public hearing and noted that no written communications or public comment cards were provided to give public testimony.

Mayor Armenta closed the public hearing.
Motion by Councilmember Camacho, seconded by Councilmember Tercero to approve the Fiscal Year 2015-16 Consolidated Annual Performance and Evaluation Report and amend the Fiscal Year 2016-17 Community Development Block Grant (CDBG) budget (Fund 630). Motion carries by the following roll call vote:

AYES: Camacho, Salcido, Tercero, Armenta
NOES: None
ABSENT: Archuleta

PUBLIC COMMENTS:

Amy Leslie:
- Addressed the City Council to speak in favor of medical marijuana dispensaries.

Lauren Talbott, Community Library Manager:
- Addressed the City Council regarding upcoming events taking place at the libraries.

CONSENT CALENDAR:

City Council:

2. Minutes:
   - Approved City Council meeting of August 23, 2016
   - Received and filed Planning Commission meeting of August 15, 2016

3. Approved 4th Warrant Register of the 2016-2017 Fiscal Year. (700)
   - Check Numbers: 273100-273163; 273166-273423; 273426-273452
   - Special Check Numbers: 273164-273165; 273424-273425

   1. Rescinded Resolution No. 6777 and adopted Resolution No. 6871 amending the City of Pico Rivera’s Conflict-of-Interest Code that shall be applicable for the City Council, all specified positions under Government Code Section 87200, Commissioners and the designated positions set forth in Appendix “A” including consultants set forth in Appendix “B” pursuant to the requirements of the State Political Reform Act.

Resolution No. 6871, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, RESCINDING RESOLUTION NO. 6777 AND ADOPTING A CONFLICT-OF-INTEREST CODE APPLICABLE TO THE MEMBERS OF THE CITY COUNCIL AND DESIGNATED CITY COMMISSIONERS AND EMPLOYEES BY INCORPORATING BY REFERENCE TITLE 2, CALIFORNIA CODE OF REGULATIONS,
SECTION 18730, THE STANDARDIZED CONFLICT-OF-INTEREST CODE

5. **Adopt a Resolution Opposing the Los Angeles County Metropolitan Transportation Authority (Metro) Expenditure Plan for the 2016 Proposed Ballot Measure M.**

This item was pulled from the Consent Calendar for further discussion and clarification.

6. **I-605 Hot Spots Intersection Improvement Projects Along Rosemead Boulevard – Resolution Determining that the Provisions of Government Code Section 65402 are Inapplicable to the Hot Spots Projects and Authorizing the Execution of Documents and Payments Required for the Acquisition of Right-of-Way for the Projects.** (600)

   1. Approved Resolution No. 6872 determining that the provisions of Government Code Section 65402 are applicable to the acquisition and disposition of real property and realignment required by the Arterial Hot Spots I-605 Program and authorizing the City Manager to execute documents and issue related payments for the acquisition of right-of-way (ROW) required for the completion of the four intersection improvement project along Rosemead Boulevard as part of the Arterial Hot Spots I-605 Program.


7. **Mines Avenue Flood Control Through Storm Water Management and Urban Greening Pilot Project – Resolution Authorizing the Filing of an Application for the California Urban Rivers Grant Program and Authorizing the Director of Public Works to Execute All Related Grant Documents.** (700)

This item was pulled from the Consent Calendar for further discussion and clarification.

8. **Mayoral Appointment of City Council Representatives to the Metro Eastside Transit Corridor Phase 2 Washington Coalition.**

   1. Confirmed the Mayor’s appointment of two City Members to represent the City of Pico Rivera on Metro’s Eastside Transit Corridor Phase 2 Washington Coalition.
9. **Amendment No. 1 to Agreement No. 13-1419 with Nationwide Cost Recovery Services.**

   1. Approved Amendment No. 1 to Agreement No. 13-1419 with Nationwide Cost Recovery Services (NCRS) for the administration and implementation of the Registration, Maintenance and Security of Properties in Foreclosure Ordinance, and authorized the City Manager to execute the Amendment.

   Agreement No. 13-1419-1

10. **Parks and Recreation Building Emergency Backup Generator Project (CIP No. 21308) – Solicit Bids for Construction.**

   1. Approved Plans, Specifications and Estimate (PS&E) for the Parks and Recreation Building Emergency Backup Generator Project (CIP No. 21308) and authorized the City Clerk to publish the Notice Inviting Bids;
   2. Approved the Total Project Budget and amended the Fiscal Year 2016-17 budget, carrying over a total of $400,000 in funding for the Capital Improvement Project; and
   3. Approved the Notice of Exemption (NOE) for the subject project and authorized the City Clerk to file the NOE with the County Recorder, in accordance with the California Environmental Quality Act.

11. **Treasurer’s Report – June 30, 2016.**

    This item was pulled from the Consent Calendar for further discussion and clarification.

Successor Agency to the Pico Rivera Redevelopment Agency:

12. **Minutes:**
   - Approved Successor Agency to PRRA Agency meeting of February 23, 2016

13. **Purchase and Sale Agreement for the Burke Street “Property” (APN 6384-004-900) Between the Successor Agency to the Pico Rivera Redevelopment Agency and Baldwin Park Homes, LLC.**

    This item was pulled from the Consent Calendar for further discussion and clarification.

Water Authority:

14. **Minutes:**
   - Approved Water Authority meeting of August 23, 2016
15. **Approval of Purchase Order in the Amount of $80,000 with Automated Water Treatment for Chlorine Disinfection Supplies.**  
   
   1. Authorized the Executive Director to approve the Purchase Order in the amount of $80,000 for Fiscal Year 2016-17 with Automated Water Treatment for the purchase of chlorine disinfection supplies.

16. **Approval of Purchase Order in the Amount of $40,000 with Ferguson/Equarius Water Works for Water Meters.**  
   
   1. Authorized the Executive Director to approve the Purchase Order in the amount of $40,000 for Fiscal Year 2016-17 with Ferguson/Equarius Water Works for the purchase of water meters.

Motion by Councilmember Salcido, seconded by Councilmember Camacho to approve Consent Calendar Items No. 2, 3, 4, 6, 9, 10, 12, 14, 15, and 16. Motion carries by the following roll call vote:

**AYES:** Camacho, Salcido, Tercero, Armenta  
**NOES:** None  
**ABSENT:** Archuleta

**CONSENT CALENDAR ITEMS PULLED FOR FURTHER DISCUSSION:**

**City Council:**

5. **Adopt a Resolution Opposing the Los Angeles County Metropolitan Transportation Authority (Metro) Expenditure Plan for the 2016 Proposed Ballot Measure M.**

Mayor Armenta requested that the item be continued to a future meeting to allow the Gateway Cities Council of Governments (COG) to vote on the matter first with all Council members in concurrence.

7. **Mines Avenue Flood Control Through Storm Water Management and Urban Greening Pilot Project – Resolution Authorizing the Filing of an Application for the California Urban Rivers Grant Program and Authorizing the Director of Public Works to Execute All Related Grant Documents.**  

Councilmember Tercero requested that staff look into obtaining grant funding to improve the bike trails along the riverbeds (San Gabriel and Rio Hondo) and for restriping of the bike lanes in the spreading grounds. Public Works Director Enriquez explained that the bike trails along the riverbeds and the spreading grounds belongs to the County. He further stated that there is an MOU between the City and the County for the spreading grounds and that the City may be able to work with the County in restriping the bike lanes.
Motion by Councilmember Salcido, seconded by Councilmember Tercero approving Resolution No. 6873 authorizing the filing of an application for the grant funds for the subject project for the California Urban Rivers Grant Program under the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Proposition 1) and authorizing the Director of Public Works to execute all related grant documents. Motion carries by the following roll call vote:

Resolution No. 6873  A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE CALIFORNIA URBAN RIVERS GRANT PROGRAM UNDER THE WATER QUALITY, SUPPLY, AND INFRASTRUCTURE IMPROVEMENT ACT OF 2014 (PROPOSITION 1)

AYES: Camacho, Salcido, Tercero, Armenta
NOES: None
ABSENT: Archuleta

8. Mayoral Appointment of City Council Representatives to the Metro Eastside Transit Corridor Phase 2 Washington Coalition.

Mayor Armenta stated that an informal coalition has been developed to discuss transportation needs in regard to the proposed Metro Washington Alignment route. He stated that the coalition has requested that each member city designate two council members as representatives to the coalition and appointed current Councilmembers Camacho and Tercero of the Transportation Ad Hoc Committee to the coalition.

Mayor Armenta mentioned his interest in becoming a member of the San Gabriel Valley Council of Governments (COG) and requested that City Manager Bobadilla look into the process of becoming a member city.

Motion by Councilmember Salcido, seconded by Councilmember Tercero to confirm the Mayor’s appointment of two City Members to represent the City of Pico Rivera on Metro’s Eastside Transit Corridor Phase 2 Washington Coalition. Motion carries by the following roll call vote:

AYES: Camacho, Salcido, Tercero, Armenta
NOES: None
ABSENT: Archuleta


Councilmember Tercero inquired about the timing of the report being presented to City Council. Finance Director Solorza stated that the end of the year reporting lags due to closing out the end of the year accounts and provided an explanation of the reporting data provided as an attachment to the agenda staff report.
Motion by Councilmember Salcido, seconded by Councilmember Tercero to receive and file quarterly Treasurer’s Report for the quarter ending June 30, 2016. Motion carries by the following roll call vote:

**AYES:** Camacho, Salcido, Tercero, Armenta  
**NOES:** None  
**ABSENT:** Archuleta

### Successor Agency to the Pico Rivera Redevelopment Agency:

**13. Purchase and Sale Agreement for the Burke Street “Property” (APN 6384-004-900) Between the Successor Agency to the Pico Rivera Redevelopment Agency and Baldwin Park Homes, LLC.**

Councilmember Salcido stated that he would like to see street access from Slauson Avenue to the new development with all council members in concurrence for the need to look into more access points.

City Manager Bobadilla stated that a traffic study would be done if the project is approved and that construction could begin in about two years.

Motion by Councilmember Salcido, seconded by Councilmember Camacho to consider adoption of the resolution approving a purchase and sale agreement (“PSA”) with Baldwin Park Homes LLC (“Baldwin Park Homes”) prepared pursuant to the Successor Agency’s Long Range Property Management Plan “Property” Management Plan (“LRPMP”) for the Burke Street “Property”, “Property” No. 4 (“Property”). Motion carries by the following roll call vote:

Resolution No. SA-16-07  
A RESOLUTION OF THE SUCCESSOR AGENCY TO THE PIÇO RIVERA REDEVELOPMENT AGENCY, APPROVING A PURCHASE AND SALE AGREEMENT BETWEEN THE SUCCESSOR AGENCY TO THE PIÇO RIVERA REDEVELOPMENT AGENCY AND BALDWIN PARK HOMES, LLC FOR THE PURCHASE AND DEVELOPMENT OF THE BURKE STREET PROPERTY

**AYES:** Camacho, Salcido, Tercero, Armenta  
**NOES:** None  
**ABSENT:** Archuleta

### REGULAR AGENDA: None.

### MAYOR/COUNCILMEMBER REPORTS ON INTERGOVERNMENTAL AGENCY MEETINGS:

Councilmember Tercero reported that Southern California Association of Governments (SCAG) finished their long range transportation plan and has already started planning
for 2020. He asked that the City Manager work through COG to make sure that the City’s needs are met in regard to transportation.

**AB1234 REPORTS ON TRAVEL AND CONFERENCE ATTENDANCE (RESOLUTION NO. 6640):**

City Manager Bobadilla reported on a recent trip to Washington D.C. with members of the City Council and City staff to discuss Army Corps of Engineers issues and stated that the meeting was positive.

**NEW BUSINESS:**

Councilmember Salcido commented on a Sheriff Deputy who handled a volatile situation with calm and professionalism and would like to commend this deputy publicly for doing his job well and not letting things get out of hand.

**OLD BUSINESS:**

Councilmember Tercero inquired about the development of the Candlewood Suites near Washington and Rosemead Boulevard. Community and Economic Development Director Martinez stated that the development has been delayed due to some underground parking issues.

Recessed into Closed Session at 7:37 p.m.

ALL FOUR MEMBERS WERE PRESENT

Reconvened from Closed Session at 8:11 p.m.

ALL FOUR MEMBERS WERE PRESENT

**CLOSED SESSION(S):**

City Council:

a. **LIABILITY CLAIMS**
   Pursuant to Government Code Section 54956.95
   Claimant: Delgado-Barbosa
   Agency Claimed Against: City of Pico Rivera

   Deputy City Attorney Cardinale stated that direction was provided, no final action was taken and that there was nothing further to report.

b. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
   Pursuant to Government Code Section 54956.9 subdivision (d) paragraph (4)
   Consideration of Initiation of Litigation – One matter
Deputy City Attorney Cardinale stated that direction was provided, no final action was taken and that there was nothing further to report.

Successor Agency to the Pico Rivera Redevelopment Agency:

a. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
   
   Pursuant to Government Code Section 54956.8
   
   Property: Burke Site Property (APN 6384-004-900), Pico Rivera, California 90660
   
   Agency Negotiator: City Manager René Bobadilla
   
   Negotiating Parties: Baldwin Park Homes
   
   Under Negotiation: Price and terms

   Deputy City Attorney Cardinale stated that this item was not discussed.

**ADJOURNMENT:**

Mayor Armenta adjourned the City Council meeting at 8:12 p.m. in memory of Mouriie Lord and Peter Perez Rasmussen. There being no objection it was so ordered.

**AYES:** Camacho, Salcido, Tercero, Armenta

**NOES:** None

**ABSENT:** Archuleta

________________________________
David W. Armenta, Mayor

**ATTEST:**

Anna M. Jerome, City Clerk

I hereby certify that the foregoing is a true and correct report of the proceedings of the City Council/Successor Agency to the Pico Rivera Redevelopment Agency/Water Authority regular meeting dated September 27, 2016 and approved by the City Council on October 11, 2016.

________________________________
Anna M. Jerome, City Clerk
5th WARRANT REGISTER OF THE 2016-2017 FISCAL YEAR

MEETING DATE: 10/11/16

TOTAL REGISTER AMOUNT: $1,136,550.47

CHECK NUMBERS: 273453-273544
273547-273632

SPECIAL CHECK NUMBERS: 273545-273546

REGULAR CHECK TOTAL: $1,090,918.52

SPECIAL CHECK TOTAL: $45,631.95

TOTAL REGISTER AMOUNT: $1,136,550.47
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**CCS.AP Accounts Payable Release 8.2.1 N*APR700**

By Gloria Candelaria (gcandelaria)
Payment History. Bank CBC
Payment Dates 09/22/2016 to 99/99/9999 Check/ACH#'s 0 to 999999 Payment Type ALL
-----------------------------------------------------------------------------------------------------------------------------------
Vend# Vendor Name                      Remit# Payee                                       Bank Check# Chk Date  Check Amount Sep
17982 ANA MARIA DOMINGUEZ DBA A.M. PLUMB                                                  CBC1 273455  09/22/16      4,433.01

Claim# General Description
357023 DRINKING FOUNTAIN CLEANING TOOL FOR ALL PARKS SITES

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Claim# General Description
357024 STOCK PLUMBING SUPPLIES

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Claim# General Description
357025 SEWER MAINTENANCE SUPPLIES

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Claim# General Description
357026 PLUMBING SUPPLIES FOR ALL PARKS

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357027 STOCK SUPPLIES FOR UNIT #259

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Claim# General Description
357028 PICO PARK TOILET REPLACEMENT

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Claim# General Description
357029 RIVERA PARK TOILET REPLACEMENT

CCS.AP Accounts Payable Release 8.2.1 N*APR700

By Gloria Candelaria (gcandelaria)
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Claim General Description

357030 MEN'S RESTROOM FAUCET REPLACEMENT AT SMITH PARK

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Claim General Description

357031 STOCK SUPPLIES FOR UNIT #259

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Claim General Description

357032 SEWER SUPPLIES

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Claim General Description

357033 BUSINESS LICENSE CERTIFICATE FRAMES

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Claim General Description

357034 SOAP DISPENSERS FOR MEN'S RESTROOM AT RIO HONDO PARK

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Claim General Description

357035 STOCK SUPPLIES FOR UNIT #271

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CCS.AP Accounts Payable Release 8.2.1 N*APR700

By Gloria Candelaria (gcandelaria)
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CS.AP Accounts Payable Release 8.2.1 N*APR700

By Gloria Candelaria (gcandelaria)
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CCS.AP Accounts Payable Release 8.2.1 N*APR700

By Gloria Candelaria (gcandelaria)
### Payment History

**Bank CBC1**

Payment Dates: 09/22/2016 to 99/99/9999

Check/ACH#'s: 0 to 999999

Payment Type: ALL

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#### 357049 LIGHTS FOR RIVERA PARK

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#### 357050 SENIOR CENTER LIGHTS

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#### 357170 DR ACTIVENET COSTS AT SERVICE INSTALLATION AND SERVICE COMPLETION

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#### 357051 PLOTTER MAINTENANCE FROM 08/25/16-09/24/16

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#### 357052 PROFESSIONAL SERVICES RENDERED FROM 07/05/16-07/29/16 CIP #21279

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**CCS.AP Accounts Payable Release 8.2.1 N*APR700**

By Gloria Candelaria (gcandelaria)
### Payment History

**Bank:** CBC1  
**Payment Dates:** 09/22/2016 to 99/99/9999  
**Check/ACH#'s:** 0 to 999999  
**Payment Type:** ALL

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**Claim# General Description**

<table>
<thead>
<tr>
<th>GL Distribution</th>
<th>Gross Amount Description</th>
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<tbody>
<tr>
<td>010-4200-44500-00000000</td>
<td>256.94</td>
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<tr>
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<td>64.23</td>
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<tr>
<td>550-4920-44500-00000000</td>
<td>64.23</td>
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<tr>
<td>PO Liquidation</td>
<td>Amount</td>
</tr>
<tr>
<td>010-4200-44500-00000000</td>
<td>256.94</td>
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<tr>
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**CCS.AP Accounts Payable Release 8.2.1 N*APR700**  
By Gloria Candelaria (gcandelaria)
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<th>Inv# Dt</th>
<th>Gross Amount</th>
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GL Distribution: Gross Amount Description
- 010-4200-44500-00000000: 256.33
- 550-4920-44500-00000000: 64.08

PO Liquidation: Amount
- 010-4200-44500-00000000: 256.33
- 550-4920-44500-00000000: 64.08

**Claim #: General Description**

357058 DISHWASHER MAINTENANCE SERVICE FOR SEPTEMBER 2016 AT SENIOR CENTER

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<td>33717</td>
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GL Distribution: Gross Amount Description
- 010-8220-44500-00000000: 211.15

PO Liquidation: Amount
- 010-8220-44500-00000000: 211.15

**Claim #: General Description**

357190 PERS LONG TERM CARE P/E 09/16/16

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GL Distribution: Gross Amount Description
- 010-0000-20825-00000000: 65.07

CCS.AP Accounts Payable Release 8.2.1 N*APR700

By Gloria Candelaria (gcandelaria)
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<th>Chk Date</th>
<th>Check Amount</th>
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**Claim# General Description**

### 357059 WATER DIVISION AFTER HOURS ANSWERING SERVICE FROM 06/20/16-07/19/16

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### 357060 PUBLIC WORKS AFTER HOURS ANSWERING SERVICE FROM 06/20/16-07/19/16

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### 357061 PUBLIC WORKS AFTER HOURS ANSWERING SERVICE FROM 07/20/16-08/19/16

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### 357062 WATER DIVISION AFTER HOURS ANSWERING SERVICE FROM 07/20/16-08/19/16

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### 357063 REPAIR PARTS FOR UNIT #274

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CCS.AP Accounts Payable Release 8.2.1 N*APR700

By Gloria Candelaria (gcandelaria)
<table>
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<tr>
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<th>Payee</th>
<th>Bank Check#</th>
<th>Chk Date</th>
<th>Check Amount</th>
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<tbody>
<tr>
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<td>CHILD SUPPORT ENFORCEMENT DIVISION</td>
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**Claim# General Description**

**357197** EMPLOYEE DEDUCTION P/E 09/16/16

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**Claim# General Description**

**357064** TRASH BAGS FOR PARKS

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**Claim# General Description**

**357065** JANITORIAL SUPPLIES FOR CITY HALL

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**Claim# General Description**

**357184** COPE CONTRIBUTION P/E 09/16/16

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CCS.AP Accounts Payable Release 8.2.1 N*APR700

By Gloria Candelaria (gcandelaria)
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<tr>
<th>Vend#</th>
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<td>18624</td>
<td>MELITON F. CRUZ DIEGO'S AUTO REPAIR</td>
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<td>1246</td>
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### Claim# General Description

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### Claim# General Description

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<tr>
<td>13218</td>
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**Claim #: General Description**

357067 CONTRACT FOR CITYWIDE COPIERS FOR SEPTEMBER 2016

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<th>Inv# Dt</th>
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**GL Distribution**

010-0900-42400-00000000 2,658.04

**PO Liquidation**

010-0900-42400-00000000 2,658.04

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**Claim #: General Description**

357068 MATERIALS FOR CIP #21334

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**GL Distribution**

210-7320-44500-00021334 1,491.50

**PO Liquidation**

210-7320-44500-00021334 1,491.50

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**Claim #: General Description**

357074 DEPOSIT REFUND FOR TUP #15-31 FOR 9209 TELEGRAPH RD

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CCS.AP Accounts Payable Release 8.2.1 N*APR700

By Gloria Candelaria (gcandelaria)
<table>
<thead>
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<th>Claim#</th>
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CCS.AP Accounts Payable Release 8.2.1 N*APR700

By Gloria Candelaria (gcandelaria)
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CCS.AP Accounts Payable Release 8.2.1 N*APR700

By Gloria Candelaria (gcandelaria)
<table>
<thead>
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<th>Vend#</th>
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**Claim# General Description**

357076 PROFESSIONAL SERVICES RENDERED FOR "PR PURCHASING PERFORMANCE PLAN" DATED 08/11/16

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GL Distribution
010-0800-44500-00000000
3,500.00

PO Liquidation
010-0800-44500-00000000
3,500.00

**Claim# General Description**

357077 BARRIER-FREE PEDESTAL OUTDOOR DRINKING FOUNTAIN WITH BOWL CIP #21334

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GL Distribution
210-7320-44500-00021334
2,644.62

PO Liquidation
210-7320-44500-00021334
2,644.62

**Claim# General Description**

357078 PARKS IRRIGATION SUPPLIES

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**Claim# General Description**

357081 DEPOSIT REFUND FOR TUP #16-22 FOR 8500 WHITTIER BLVD

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GL Distribution
990-0000-29119-00000000
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CCS.AP Accounts Payable Release 8.2.1 N*APR700

By Gloria Candelaria (gcandelaria)
<table>
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**Claim# General Description**

357082 BIKE RACKS FOR PICO RIVERA GOLF COURSE CIP #21334

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**Claim# General Description**

357083 PARKWAY TREES

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**Claim# General Description**

357084 TREES

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**Claim# General Description**

357085 TREES

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**Claim# General Description**

357086 TREES

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CCS.AP Accounts Payable Release 8.2.1 N*APR700

By Gloria Candelaria (gcandelaria)
City of Pico Rivera  
Sep 26, 2016 05:37pm  Page 17

Payment History. Bank CBC1  Payment Dates 09/22/2016 to 99/99/9999  Check/ACH#'s 0 to 999999  Payment Type ALL

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<th>Bank</th>
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Claim# General Description
357087 HOSE REPLACEMENT FOR UNIT #236

PO# Stat Contract# Invoice#  
69041431-00  08/24/16  199.88

GL Distribution Gross Amount Description  
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Claim# General Description
357088 TRANSPORTATION FOR EXCURSION ON 09/03/16

PO# Stat Contract# Invoice#  
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GL Distribution Gross Amount Description  
090-0410-44500-00009123  743.00

Claim# General Description
357089 TRANSPORTATION FOR EXCURSION ON 08/27/16

PO# Stat Contract# Invoice#  
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GL Distribution Gross Amount Description  
090-0410-44500-00009123  1,165.00

CCS.AP Accounts Payable Release 8.2.1 N*APR700  By Gloria Candelaria (gcandelaria)
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CCS.AP Accounts Payable Release 8.2.1 N*APR700

By Gloria Candelaria (gcandelaria)
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By Gloria Candelaria (gcandelaria)
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357103 RIVERA PARK GYM WOMEN'S RESTROOM EXHAUST FAN

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**Claim General Description**

357104 TEEN CENTER MAINTENANCE SUPPLIES

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16674 JOSEPH C. TRUXAW AND ASSOCIATES IN

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CBC1 273492 09/22/16 189.00

**Claim General Description**

357105 PROFESSIONAL SERVICES RENDERED AS OF 08/14/16 CIP #21272

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**Claim General Description**

357171 PROFESSIONAL SERVICES RENDERED FOR MAY 2016

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**CCS.AP Accounts Payable Release 8.2.1 N*APR700**

By Gloria Candelaria (gcandelaria)
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**Claim# General Description**

**Claim# General Description** 357106 PROFESSIONAL SERVICES RENDERED FROM 06/16/16 - 07/03/16 CIP #21279

- PO# Stat Contract# Invoice# 33647 C 001113170
  - Invn Dt: 07/08/16
  - Gross Amount: 2,130.00
  - Discount Amt: 0.00
  - Discount Used: 0.00
  - Net Amount: 2,130.00

**Claim# General Description** 357108 JUMPERS FOR YOUTH CENTER TEEN EVENT ON 09/24/16

- PO# Stat Contract# Invoice# 33834 C 144134
  - Invn Dt: 09/12/16
  - Gross Amount: 1,512.00
  - Discount Amt: 0.00
  - Discount Used: 0.00
  - Net Amount: 1,512.00

**Claim# General Description** 357109 HARDWARE INSTALL FOR TV CHANNEL

- PO# Stat Contract# Invoice# 33802 O 016079
  - Invn Dt: 09/12/16
  - Gross Amount: 2,638.60
  - Discount Amt: 0.00
  - Discount Used: 0.00
  - Net Amount: 2,638.60

CS.AP Accounts Payable Release 8.2.1 N*APR700

By Gloria Candelaria (gcandelaria)
<table>
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**Claim# General Description**

357118 SMALL TOOLS FOR WATER DIVISION

- PO# Stat Contract# Invoice# 77039695
- Invc Dt 08/30/16
- Gross Amount 35.29
- Discount Amt 0.00
- Discount Used 0.00
- Net Amount 35.29

357214 SMALL TOOLS FOR WATER DIVISION

- PO# Stat Contract# Invoice# 74857760
- Invc Dt 08/16/16
- Gross Amount 439.83
- Discount Amt 8.80
- Discount Used 0.00
- Net Amount 439.83

1266 NATIONWIDE ENVIRONMENTAL SERVICES FOR JUNE 2016

- PO# Stat Contract# Invoice# 27604
- Invc Dt 06/30/16
- Gross Amount 5,691.80
- Discount Amt 0.00
- Discount Used 0.00
- Net Amount 5,691.80

357119 MONTHLY MAINTENANCE FOR SEPTEMBER 2016

- PO# Stat Contract# Invoice# 33790
- Invc Dt 09/12/16
- Gross Amount 250.00
- Discount Amt 0.00
- Discount Used 0.00
- Net Amount 250.00

**CCS.AP Accounts Payable Release 8.2.1 N*APR700**

By Gloria Candelaria (gcandelaria)
<table>
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CCS.AP Accounts Payable Release 8.2.1 N*APR700

By Gloria Candelaria (gcandelaria)
## Payment History

**City of Pico Rivera**  
**Payment Dates:** 09/22/2016 to 99/99/9999  
**Check/ACH#’s:** 0 to 999999  
**Payment Type:** ALL

### Claim# General Description

#### 357115 GENERATOR RENTAL FOR SUMMER STREET FEST ON 08/19/16

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GL Distribution  
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1,953.24

### Claim# General Description

#### 357116 GENERATOR RENTAL FOR SUMMER STREET FEST ON 08/05/16

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GL Distribution  
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### Claim# General Description

#### 357117 ADVANCE TO PURCHASE SUPPLIES FOR SENIOR CENTER COordinating Council Fiesta Dance ON 09/24/16

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### Claim# General Description

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GL Distribution  
010-8102-44100-00000000  
9.98

**CCS.AP Accounts Payable Release 8.2.1 N*APR700**  
By Gloria Candelaria (gcandelaria)
Payment History. Bank CBC1  Payment Dates 09/22/2016 to 99/99/9999  Check/ACH#'s 0 to 999999  Payment Type ALL

<table>
<thead>
<tr>
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Claim# General Description
357179 REPLENISH PETTY CASH

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Claim# General Description
357211 MID-MGMT, PROFNL6 CONFIDL EMPL ASSOC DUES, AND SERV FEE-PAYER P/E 09/16/16

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Claim# General Description
357120 BALL FIELD LIGHTS

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Claim# General Description
357121 BALL FIELD LIGHTS

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Claim# General Description
357122 BALL FIELD LIGHTS

CCS.AP Accounts Payable Release 8.2.1 N*APR700  

By Gloria Candelaria (gcandelaria)
## Payment History

**Bank**: CBC1  
**Payment Dates**: 09/22/2016 to 99/99/9999  
**Check/ACH#'s**: 0 to 999999  
**Payment Type**: ALL

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**GL Distribution**: 010-4350-44100-00000000  
**Gross Amount Description**: 935.00

**Vendor**: R-DOORS, INC.  
**Remit#**: CBC1  
**Payee**:  
**Bank Check#**: 273505  
**Chk Date**: 09/22/16  
**Check Amount**: 1,964.00

### Claim: 357124 REPAIR OF SENIOR CENTER DOOR

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**GL Distribution**: 010-4340-43400-00000000  
**Gross Amount Description**: 966.00

**Vendor**: BRYAN RAMIREZ  
**Remit#**: CBC1  
**Payee**:  
**Bank Check#**: 273506  
**Chk Date**: 09/22/16  
**Check Amount**: 400.00

### Claim: 357125 REPAIR OF SENIOR CENTER BATHROOM DOOR

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**GL Distribution**: 010-4340-43400-00000000  
**Gross Amount Description**: 998.00

**Vendor**: RED WING SHOE STORE WHITTIER MARKET  
**Remit#**: CBC1  
**Payee**:  
**Bank Check#**: 273507  
**Chk Date**: 09/22/16  
**Check Amount**: 150.00

### Claim: 357126 SAFETY SHOES FOR J.COEINER

<table>
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**GL Distribution**: 010-4200-44930-00000000  
**Gross Amount Description**: 150.00

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**CCS.AP Accounts Payable Release 8.2.1 N*APR700**  
**By**: Gloria Candelaria (gcandelaria)
### Payment History

**Vendor Name:** RETRO ROLLING VIDEO GAMES  
**Remit# Payee:**  
**Bank Check#:** CBC1 273508  
**Chk Date:** 09/22/16  
**Check Amount:** 225.00  
**Claim# General Description:** THREE HOUR GAME PARTY FOR YOUTH CENTER ANNIVERSAY ON 09/24/16  
**PO# Stat Contract# Invoice#:** 10160024  
**Invc Dt:** 09/24/16  
**Gross Amount:** 225.00  
**Discount Amt:** 0.00  
**Discount Used:**  
**Net Amount:** 225.00  

**GL Distribution:**  
**Description:**  
010-8108-42200-0000000  
225.00
### Claim# General Description

**357132 EXTERMINATION SERVICE AT THE AL NATIVIDAD CENTER FOR AUGUST 2016**

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**GL Distribution**
- Gross Amount Description
- 55.00
- Amount
- 55.00

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**CCS.AP Accounts Payable Release 8.2.1 N*APR700**

By Gloria Candelaria (gcandelaria)
Claim# General Description
357133 EXTERMINATION SERVICE FOR RIO HONDO PARK FOR AUGUST 2016

<table>
<thead>
<tr>
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GL Distribution
010-4340-44500-00000000
PO Liquidation
010-4340-44500-00000000

Claim# General Description
357134 EXTERMINATION SERVICE AT PARKS AND RECREATION BUILDING FOR AUGUST 2016

<table>
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GL Distribution
010-4340-44500-00000000
PO Liquidation
010-4340-44500-00000000

Claim# General Description
357135 EXTERMINATION SERVICE FOR CITY HALL FOR AUGUST 2016

<table>
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GL Distribution
010-4340-44500-00000000
PO Liquidation
010-4340-44500-00000000

Claim# General Description
357136 EXTERMINATION SERVICE FOR SMITH PARK FOR AUGUST 2016

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GL Distribution
010-4340-44500-00000000
PO Liquidation
010-4340-44500-00000000

Claim# General Description
357137 EXTERMINATION SERVICE FOR THE HISTORY MUSEUM FOR AUGUST 2016

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GL Distribution
010-4340-44500-00000000
PO Liquidation
010-4340-44500-00000000

Claim# General Description
357138 EXTERMINATION SERVICE FOR SENIOR CENTER FOR AUGUST 2016

<table>
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By Gloria Candelaria (gcandelaria)
<table>
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<th>Remit# Payee</th>
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<td>HOME REHAB PROGRAM-4211</td>
<td>CBC1 273511</td>
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**Claim# General Description**

**357139 FLAT TIRE REPAIR**

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**Claim# General Description**

**357140 TIRE REPAIR FOR UNIT #454**

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**Claim# General Description**

**357141 HOME REHAB PROGRAM-4211 SAN GABRIEL RIVER PKWY**

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**Claim# General Description**

**357142 HOME REHAB PROGRAM-9130 MYRON ST FINAL PAYMENT**

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CCS.AP Accounts Payable Release 8.2.1 N*APR700

By Gloria Candelaria (gcandelaria)
<table>
<thead>
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<th>Vend#</th>
<th>Vendor Name</th>
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Claim# General Description

357143 HOME REHAB PROGRAM-9273 MYRON ST FINAL PAYMENT

Claim# General Description

357198 UNION DUES DIRECTORS, FT, PT & NON MEMBER FEE PAYER P/E 09/16/16

Claim# General Description

357145 SAFETY SHOES FOR F.HERNANDEZ

Claim# General Description

357147 SAFETY SHOES FOR R.BOZIGAN

Claim# General Description

357177 SAFETY SHOES FOR J.ROMO

Claim# General Description

357178 SAFETY SHOES FOR I.SANDOVAL

CS.AP Accounts Payable Release 8.2.1 N*APR700

By Gloria Candelaria (gcandelaria)
### Payment History

**Bank CBC1**  
Payment Dates 09/22/2016 to 99/99/9999  
Check/ACH#'s 0 to 999999  
Payment Type ALL

<table>
<thead>
<tr>
<th>PO# Stat Contract# Invoice#</th>
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**PO# Stat Contract# Invoice#**  
**Invc Dt**  
**Gross Amount**  
**Discount Amt**  
**Discount Used**  
**Net Amount**

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**Vend# Vendor Name**  
**Remit# Payee**  
**Bank Check# Chk Date Check Amount Sep**

#### Claim# General Description

**357173 SHREDING SERVICES FOR AUGUST 2016**

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**Claim# General Description**

**357148 IRRIGATION SUPPLIES**

<table>
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**Claim# General Description**

**357217 ELECTRIC SVC - VARIOUS LOCATIONS BILLING DATED 08/31/16**

<table>
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**Claim# General Description**

**357218 GAS SVC - 9530 SHADE LANE RIVERA PK 08/09/16-09/08/16**

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<th>Invc Dt</th>
<th>Gross Amount</th>
<th>Discount Amt</th>
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<th>Net Amount</th>
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**CCS.AP Accounts Payable Release 8.2.1 N*APR700**

By Gloria Candelaria (gcandelaria)
<table>
<thead>
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<th>Vend#</th>
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<th>Check Amount</th>
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<tr>
<td>17422</td>
<td>SOUTHLAND WATER TECHNOLOGIES, LLC</td>
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**Claim# General Description**

357151 MANHOLE MONITOR REPLACEMENT BATTERY

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019-6310-44500-00000000 101.80

**Claim# General Description**

357152 MONTHLY ELEVATOR MAINTENANCE SERVICE FOR JULY 2016

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**Claim# General Description**

357210 LIFE, SHORT-TERM & LONG-TERM DISABILITY PREMIUM FOR SEPTEMBER 2016

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GL Distribution

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CCS.AP Accounts Payable Release 8.2.1 N*APR700

By Gloria Candelaria (gcandelaria)
### Payment History

Payment Dates: 09/22/2016 to 09/22/2016
Check/ACH#s: 0 to 999999
Payment Type: ALL

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#### Claim General Description

**357153** TILE AND GROUT CLEANING FOR KITCHEN NEXT TO AUDITORIUM AT PICO PARK

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**Claim General Description**

**357154** CLEANING OF AUDITORIUM CHAIRS AT PICO PARK

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**Claim General Description**

**357155** CLEAN AUDITORIUM CHAIRS AT PICO PARK

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**Claim General Description**

**357156** CLEAN AUDITORIUM CHAIRS AT PICO PARK

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**Claim General Description**

**357157** CLEAN AUDITORIUM AT PICO PARK

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**Claim General Description**

**357158** CLEAN AUDITORIUM AT PICO PARK

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**Claim General Description**

**357159** CLEAN AUDITORIUM CHAIRS AT PICO PARK

CCS.AP Accounts Payable Release 8.2.1 N*APR700

By Gloria Candelaria (gcandelaria)
## Payment History

Bank CBC1  
Payment Dates 09/22/2016 to 99/99/9999  
Check/ACH#'s 0 to 999999  
Payment Type ALL

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### Claim# General Description

357160 **CLEAN LOBBY CARPET AT PICO PARK**

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### Claim# General Description

357161 **CLEAN ALL OFFICES AND HALLS AT PICO PARK**

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### Claim# General Description

357162 **CLEAN LOBBY SOFAS AND CHAIRS AT PICO PARK**

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### Claim# General Description

357163 **STRIP AND WAX DAY-CARE ROOM**

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<th>Discount Used</th>
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### Claim# General Description

357187 **EMPLOYEE DEDUCTION P/E 09/16/16**

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CCS.AP Accounts Payable Release 8.2.1 N*APR700  
By Gloria Candelaria (gcandelaria)
<table>
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<th>Bank Check#</th>
<th>Chk Date</th>
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**Claim General Description**

**357164 FINGERPRINTING SERVICE FOR AUGUST 2016**

- **PO# Stat Contract# Invoice#**
  - 33697 O 186023 9661-J
- **Invc Dt**
  - 09/06/16
- **Gross Amount**
  - 448.00
- **Discount Amt**
  - 0.00
- **Net Amount**
  - 448.00

**357165 UNDERGROUND FUEL TANK INSPECTION FOR AUGUST 2016**

- **PO# Stat Contract# Invoice#**
  - 9661-J
- **Invc Dt**
  - 08/16/16
- **Gross Amount**
  - 200.00
- **Discount Amt**
  - 0.00
- **Net Amount**
  - 200.00

**357166 TREE TRIMMING SERVICE FROM 08/09/16-08/19/16**

- **PO# Stat Contract# Invoice#**
  - 33693 O 3355
- **Invc Dt**
  - 08/22/16
- **Gross Amount**
  - 4,660.00
- **Discount Amt**
  - 0.00
- **Net Amount**
  - 4,660.00

**Claim General Description**

**357200 EMPLOYEE DEDUCTION P/E 09/16/16**

- **PO# Stat Contract# Invoice#**
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- **Invc Dt**
  - 09/22/16
- **Gross Amount**
  - 50.00
- **Discount Amt**
  - 0.00
- **Net Amount**
  - 50.00

- **GL Distribution**
  - Gross Amount Description
  - 010-0000-20816-00000000 200.00

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**CCS.AP Accounts Payable Release 8.2.1 N*APR700**

By Gloria Candelaria (gcandelaria)
## Payment History

**Payment Dates**: 09/22/2016 to 99/99/9999  
**Check/ACH#'s**: 0 to 999999  
**Payment Type**: ALL

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### Claim General Description

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**CCS.AP Accounts Payable Release 8.2.1 N*APR700**

By Gloria Candelaria (gcandelaria)
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**Claim# General Description**

357234 WIRELESS ACCESS FOR 07/13-08/12/16

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GL Distribution

| Stat Contract# | Gross Amount Description | Distribution#
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**Claim# General Description**

357235 WIRELESS ACCESS FOR 07/24-08/23/16

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GL Distribution

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**Claim# General Description**

357236 CELL PHONE SERVICES FOR 07/13-08/12/16

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GL Distribution

| Stat Contract# | Gross Amount Description | Distribution#
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**Claim# General Description**

357237 WIRELESS ACCESS FOR 07/13-08/12/16

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<th>Invoice#</th>
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<th>Gross Amount</th>
<th>Discount Amt</th>
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GL Distribution

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**Claim# General Description**

357238 WIRELESS ACCESS FOR 07/13-08/12/16

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GL Distribution

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**Claim# General Description**

357239 WIRELESS ACCESS FOR 07/24-08/23/16

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GL Distribution

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CCS.AP Accounts Payable Release 8.2.1 N*APR700

By Gloria Candelaria (gcandelaria)
## Claim# General Description
### 357240 CELL PHONE SERVICES FOR 07/24/16- 08/23/16

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### 357212 EMPLOYEE DEDUCTION P/E 09/16/16

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### Claim# General Description
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GL Distribution
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### 357168 MAIN AND SERVICE REPAIRS

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GL Distribution
550-4920-44100-00168000

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### 357169 GROUND MAINTENANCE SUPPLIES

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CS.AP Accounts Payable Release 8.2.1 N*APR700
By Gloria Candelaria (gcandelaria)
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CCS.AP Accounts Payable Release 8.2.1 N*APR700

By Gloria Candelaria (gcandelaria)
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<th>Vend#</th>
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Claim# General Description

357144 PROFESSIONAL SERVICES RENDERED FROM 07/25/16-08/19/16 CIP #21279

PO# Stat Contract# Invoice# 357220 ELECTRIC SVC - AL NATIVIDAD CENTER BILL DATED 09/01/16

Invc Dt  Gross Amount  Disct Amt  Disct Used  Net Amount
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GL Distribution  Gross Amount Description
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PO# Stat Contract# Invoice# 357221 ELECTRIC SVC-HISTORICAL SOCIETY BILL DATED 09/15/16

Invc Dt  Gross Amount  Disct Amt  Disct Used  Net Amount
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GL Distribution  Gross Amount Description
010-4350-44200-00000000  85.36

PO# Stat Contract# Invoice# 357222 ELEC SVC - 9530 SHADE LN RIVERA PARK 09/01/16

Invc Dt  Gross Amount  Disct Amt  Disct Used  Net Amount
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GL Distribution  Gross Amount Description
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PO# Stat Contract# Invoice# 357226 E0EC SVC - STREET LIGHT ASSESSMENT DISTRICT 09/07/16

Invc Dt  Gross Amount  Disct Amt  Disct Used  Net Amount
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GL Distribution  Gross Amount Description
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PO# Stat Contract# Invoice# 357229 8640 COFFMAN PICO HM ELECTRIC SERVICE 09/15/16

Invc Dt  Gross Amount  Disct Amt  Disct Used  Net Amount
09/15/16  24.11  0.00  24.11

CS.AP Accounts Payable Release 8.2.1 N*APR700

By Gloria Candelaria (gcandelaria)
City of Pico Rivera
Payment History. Bank CBC1 Payment Dates 09/22/2016 to 99/99/9999 Check/ACH#'s 0 to 999999 Payment Type ALL

Payment History. Bank CBC1 Payment Dates 09/22/2016 to 99/99/9999 Check/ACH#'s 0 to 999999 Payment Type ALL

Claim# General Description 357230 ELECTRIC SVC BILL DATED 09/15/16

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Claim# General Description 357232 ELECTRIC SERVICE FOR PARKS

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Claim# General Description 357231 ELECTRIC SVC - VARIOUS LOCATIONS BILLING DATED 09/15/16

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<th>PO# Stat Contract#</th>
<th>Invoice#</th>
<th>Invc Dt</th>
<th>Gross Amount</th>
<th>Discount Amt</th>
<th>Discount Used</th>
<th>Net Amount</th>
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Claim# General Description 357242 CARL'S JR. MEAL TRUCK AT YOUTH CENTER EVENT ON 09/24/16

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<th>Discount Amt</th>
<th>Discount Used</th>
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Vend# Vendor Name Remit# Payee Bank Check# Chk Date Check Amount Sep
360 SO CALIF EDISON COMPANY ATTN: MILL 5 SOUTHERN CALIFORNIA EDISON CBC1 273542 09/22/16 50,442.59 Y

Claim# General Description

912753 CARL'S JR

PO Liquidation Amount
010-8108-44500-00000000 | 09/22/16 | 1,650.00 |

CCS.AP Accounts Payable Release 8.2.1 N*APR700 By Gloria Candelaria (gcandelaria)
### Paid Checks:

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### Paid by ACH:

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### Total Payments:

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### Void Checks:

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<td>PO Liquidation Total</td>
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<tr>
<td>Backup Withholding Total</td>
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Payment History. Bank CBC1 Payment Dates 09/27/2016 to 99/99/9999 Check/ACH#'s 0 to 999999 Payment Type ALL

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<th>Check Amount</th>
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<tbody>
<tr>
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Claim# General Description
357245 BUS SHELTER/STREET SWEEPING SERVICES FOR JULY 2016

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GL Distribution Gross Amount Description

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CCS.AP Accounts Payable Release 8.2.1 N*APR700

By Gloria Candelaria (gcandelaria)
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User: Gloria Candelaria
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### City of Pico Rivera

**Payment Batch Register**

Bank Account: CBC GenOpe - CBC General Operating

**Batch Date:** 09/30/2016

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**CBC GenOpe CBC General Operating Totals:**

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To: Mayor and City Council
From: City Manager
Meeting Date: October 11, 2016
Subject: ADOPT A RESOLUTION OPPOSING THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY (METRO) EXPENDITURE PLAN FOR THE 2016 PROPOSED BALLOT MEASURE M

Recommendation:

Adopt a resolution opposing the Los Angeles County Metropolitan Transportation Authority (Metro) Expenditure Plan for the 2016 proposed ballot Measure M.

Fiscal Impact:

There is no immediate fiscal impact as a result of the recommended action.

Discussion:

The Los Angeles County Metropolitan Transportation Authority (Metro) released a draft Expenditure Plan, part of the Los Angeles County Traffic Improvement Plan Ordinance, on March 24, 2016. This Expenditure Plan listed the projects that are planned for funding with this new sales tax revenue, including a proposed schedule for funding the projects.

At its regular meeting on July 6, 2016, the Gateway Cities Council of Governments (GCCOG) voted 21-1 to adopt a resolution (Enclosure 2) opposing Metro’s countywide sales tax measure (Measure M) planned for the November 8, 2016 ballot. The resolution was sent to the Metro Board of Directors attached to a letter (Enclosure 3) dated July 12, 2016 explaining the reasons the GCCOG voted to oppose Measure M.

The GCCOG’s opposition is fundamentally based on the fact that although Measure M provides some new funding to southeast Los Angeles County, it is scheduled decades after fully funding projects in other subregions, most particularly the City of Los Angeles, which receives 50% of the funds within the first 15 years.

Metro’s Expenditure Plan is based on modeling done using Metro Board adopted performance metrics that allowed projects with little or no definition to be modeled in an idealized state giving them preference over projects with known attributes and benefits and that have gone through some degree of vetting. In addition, the performance modeling was stacked heavily in favor of commuter transit while minimizing the impact of highway improvement projects.
On June 23, 2016, the Metro Board approved the final Expenditure Plan and voted 11 to 2 to place a measure on the November ballot that would raise sales tax in the County by half a percent providing funding for an estimated $120 billion in transportation projects over the next 40 years. Directors Knabe and Dubois, representing the Gateway Cities and South Bay Cities, opposed the Plan. This ballot measure is similar to the 2008 Measure R, however, it does not have a sunset provision and could only be repealed by a vote of the electorate. Therefore, it is a transportation tax that would be placed on a permanent basis Countywide, but will provide little relief to the transportation issues in southeast Los Angeles County and other surrounding County areas for the next 40 years. This is especially unsettling given the fact that the City of Los Angeles was successful in introducing a new $9.8 billion project that is not scoped or vetted and has a high risk of cost increase relative to other projects that have been studied for years and scoped to a much greater extent. In spite of this, the new City of Los Angeles project is the second highest ranked project, having jumped ahead of projects with greater merit.

Metro’s proposed Expenditure Plan also minimizes the regional, statewide and national significance of critical transportation facilities and projects within the GCCOG region. This includes the improvement of the I-5 Freeway running adjacent to the City of Pico Rivera and through the City of Commerce, which is home to some of the most important intermodal facilities for goods movement in the country. In the City of Commerce, the BNSF Hobart facility and the Union Pacific East Los Angeles Intermodal Yard together form the fourth-largest intermodal port in the United States, after the ports of Los Angeles, Long Beach, and New York-New Jersey. Goods that move through these facilities come from all over the world, and are distributed to cities throughout the country. By 2035, the U.S. Department of Transportation projects that demand for rail freight transportation will increase by 88%. The I-5 Freeway does not have the capacity to continue to support this level of trade. Designed to carry 175,000 vehicles a day, this portion of the I-5 Freeway, which links Downtown Los Angeles to Orange County and connects to the Ports of Los Angeles and Long Beach, now carries 275,000 vehicles, of which 25,000 are freight trucks. The congestion of the I-5 and surrounding freeways already spills into the arterial streets running through Pico Rivera on a daily basis and this condition will continue to worsen.

Metro’s adopted Plan and Ordinance fail to take into account the vital economic role the GCCOG region plays for the county, the state, and the nation. Additionally, Metro’s proposed Expenditure Plan refuses to honor the Measure R commitments made to the voters in 2008 by utilizing subjective performance matrixes and skewed criteria in order to place new undefined projects located in the City of Los Angeles ahead of Measure R projects in this region. This makes it difficult to support Measure M.

Another area of significant concern with this ballot measure is that of the 3% local funding match requirement for large projects. This requires cities to pay 3% of the cost of major transit projects within their jurisdiction or implement mutually agreed upon active transportation or first/last mile improvements as whole or part of the 3% contribution. If a city fails to pay the 3% contribution or does not implement acceptable improvements, Metro
would be allowed to withhold up to 15 years of local return funds generated by this new transportation measure. This could heavily impact cities in the Gateway Cities region that would unlikely have the financial capacity to provide such large local matching funds for large transit projects. Metro has since communicated that the local match can be a compilation of various sources including ongoing grant funded projects and in-kind services. However, for large transit projects small cities are still at risk of not having the capacity to accumulate the local match without risking local return funds.

At its regular meeting on September 7, 2016, the GCCOG Board was addressed by Los Angeles City Mayor Garcetti and other representatives urging the GCCOG Board to reconsider its opposition of Measure M. In response, the Board voted in favor of reconsideration and directed GCCOG staff to place this item on the October agenda. At its regular meeting on October 6, 2016, the GCCOG Board was again addressed by Mayor Garcetti and other representatives urging support for Measure M. After much deliberation, the GCCOG Board voted overwhelmingly to uphold the resolution in opposition to Measure M. The GCCOG will also continue its public education campaign on the facts of Measure M and the disproportionate spending plan as detailed above so that voters are better informed of the distribution of this new sales tax.

René Bobadilla

RB:JE:lg

Enc. 1) Resolution
2) GCCOG Resolution
3) GCCOG Letter to Metro Board of Directors (July 12, 2016)
RESOLUTION NO. ________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, OPPOSING THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY EXPENDITURE PLAN FOR THE 2016 PROPOSED BALLOT MEASURE M.

WHEREAS, the Gateway Cities Council of Governments (GCCOG), along with other COGs in the region participated in the development of a countywide process to accumulate a listing of all subregional transportation projects. This process resulted in the identification of $275 billion of transportation projects countywide; and

WHEREAS, the Los Angeles County Metropolitan Transportation Authority (Metro) in response to the identified need developed an Expenditure Plan to address the project capital and operational needs for the County. This Expenditure Plan will be Metro’s template for mobility for the next 40 years. Measure M will remove the sunset provision from Measure R and continue in perpetuity or until repealed by the electorate; and

WHEREAS, instead of giving the Measure R project initiatives first priority for new tax revenues, assuring that second and third decade Measure R projects are completed, the MTA initiated a modeling process utilizing performance metrics that places well-defined projects with analysis in competition with new projects with assumed attributes. This modeling exercise has resulted in a reordering or resequencing of projects that benefited new projects from the City of Los Angeles and placed projects from the GCCOG and other regions behind them; and

WHEREAS, Metro's adopted Expenditure Plan and the proposed ballot Measure M fail to take into account the vital economic role and benefit projects such as the Washington Alignment of the Eastside Transit Corridor Phase 2 will provide to the GCCOG region and the county; and

WHEREAS, multi-modal projects that would benefit cities in the Gateway Cities are being leapfrogged by higher profile projects in more affluent areas, which are also being given priority access to federal funding. This is simply not geographically equitable, nor is it fair to our residents who will be funding these projects for decades before they truly benefit; and

WHEREAS, Metro's potential ballot measure includes a 3% local contribution requirement that mandates cities to pay 3% of the cost of major transit projects within their jurisdiction or implement mutually agreed upon active transportation or first/last mile improvements as whole or part of the 3% requirement; and

WHEREAS, if a city fails to pay the 3% contribution or does not implement acceptable improvements, Metro would be allowed to withhold up to 15 years of local return funds from this new transportation measure; and
WHEREAS, this 3% local contribution requirement represents an amount the City of Pico Rivera is unlikely able to fund for large projects such as the Eastside Transit Corridor Phase 2 and would heavily impact not only Pico Rivera, but the entire Gateway Cities region.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PICO RIVERA DOES RESOLVE AS FOLLOWS:

SECTION 1. That the City of Pico Rivera opposes the Los Angeles County Metropolitan Transportation Authority Expenditure Plan for the 2016 proposed ballot Measure M.

SECTION 2. That the Mayor, or presiding officer, is hereby authorized to affix his signature to this Resolution signifying its adoption by the City Council of the City of Pico Rivera and the City Clerk, or her duly appointed assistant, is directed to attest thereto.

ADOPTED AND APPROVED this _____ day of _________________, 2016.

________________________________
David W. Armenta, Mayor

ATTEST:  
APPROVED AS TO FORM:  

______________________________  ________________________________
Anna M. Jerome     Arnold M. Alvarez-Glasman  
City Clerk     City Attorney

AYES:  
NOES:  
ABSENT:  
ABSTAIN:
RESOLUTION NO. 2016-02

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE GATEWAY CITIES COUNCIL OF GOVERNMENTS OPPOSING THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY EXPENDITURE PLAN FOR THE 2016 PROPOSED BALLOT MEASURE

WHEREAS, the Gateway Cities Council of Governments (COG) participated in the development of a countywide process to accumulate a listing of all subregional transportation projects. This process resulted in the identification of $275 billion of transportation projects countywide.

WHEREAS, the Los Angeles County Metropolitan Transportation Authority (MTA) in response to the identified need developed an expenditure plan to address the project capital and operational needs for the County. This expenditure plan will be the Los Angeles County template for mobility for the next 40 years. The tax itself will remove the sunset from Measure R continue in perpetuity or until repealed by the electorate.

WHEREAS, instead of giving the Measure R project initiatives first priority for new tax revenues, assuring that 2nd and 3rd decade Measure R projects are completed, the MTA initiated a modeling process, utilizing performance metrics, that places well-defined projects with analysis in competition with new projects with assigned attributes. This modeling exercise has resulted in a reordering or resequencing of projects. This new implementation schedule has not proven to be advantageous to the Gateway Cities.

WHEREAS, multi-modal projects that would benefit the Gateway Cities are being leapfrogged by higher profile projects in more affluent areas, which are also being given priority access to federal funding. That is simply not geographically equitable, nor is it fair to our residents who will be funding these projects for decades before they truly benefit.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Gateway Cities Council of Governments opposes the Adopted Ballot Measure Expenditure Plan.

PASSED, APPROVED, AND ADOPTED this 6th day of July, 2016.

ATTEST:

Al Austin II, President

Richard Powers
Secretary

STATE OF CALIFORNIA    )
COUNTY OF LOS ANGELES    ) ss
July 12, 2016

The Honorable John Fasana, Chairman and
Board of Directors

Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza
Los Angeles, CA. 90012

Dear Chairman Fasana and Members of the Board of Directors:

Gateway Cities Council of Governments Opposition to MTA’s Proposed 2016 Ballot Measure

At its regular meeting on July 6, 2016, the Gateway Cities Council of Governments (GCCOG) Board of Directors voted to oppose MTA’s proposed countywide transportation sales tax measure planned for the November 8, 2016 ballot. The member cities of this COG are acutely aware of the need for additional transportation funding, and strongly supported the grounds up approach and the process that led to the identification of subregional project transportation needs. Support for the measure began to erode with the release of the initial Expenditure Plan and the delay and definition of the major Gateway Cities initiatives. GCCOG staff has actively participated in the Council of Governments meetings held by MTA CEO Phil Washington and GCCOG City Managers also met with him and senior staff to explore potential solutions to the areas of disagreement. Regretfully, significant changes were not made to the document released for public review and the “tweaks” that were offered do not provide sufficient foundation for this organization’s support.

The GCCOG Board of Directors voted 21-1 to oppose the measure, with one abstention. The GCCOG did not make this decision lightly or without considerable deliberation. The GCCOG Board even held a special meeting on June 21, to discuss the final expenditure plan that resulted in the adoption of an “oppose unless amended” position. Mr. Fasana, our Board sincerely appreciates the time you personally took to address our Board. We also appreciate the considerable time and effort spent by Mr. David Yale in trying to explain the MTA point of view.

Fundamental to the vote to oppose are issues that were raised by both the Gateway Cities and South Bay COGs that were not addressed in the Expenditure Plan and Ordinance. The following major concerns were expressed:
The GCCOG recommended that 2nd and 3rd decade Measure R transit projects be formally accelerated to qualify for 2018 PBM funding and that Measure R projects be advanced through the environmental and preliminary engineering phases to receive funding on a construction-ready status, as envisioned in the 30-10 Board approved policy, and not be superseded by new PBM projects. The COG also asserted that keeping with the 2008 Measure R promises that the recently adopted Performance Metrics be applied solely to PBM projects and not retroactively to Measure R 2nd and 3rd decade projects. We view these principles as honoring the Measure R commitment made to the voters in 2008.

Like the South Bay COG and other cities throughout the county, GCCOG requested an increase in the allocation of local return funds. The justification for the increase is that cities have traditionally relied upon gasoline sales tax subventions and revenue for the improvement and maintenance of local streets. This source continues to decline. The dramatic decreases in revenues are already adversely impacting our ability to reduce congestion, improve access and safety of our local streets and highways. Even the increased 17% local return allocation fails to recognize that a city’s streets are the foundation of all the other elements of the transportation system. With the increased emphasis on active transportation and First/Last mile connections, it is critical that the foundation for these elements, the city street, be funded at a level sufficient to meet the increased demand. A 20% local return allocation effective from day one would help fund the increased demand on city streets. We are disappointed that there was no discussion on alternative formulas for the distribution of local return funds. The South Bay COG suggested a sales tax receipts/population/lane-mile formula and Gateway Cities requested consideration of a different formula that would be more equitable to those cities that are bedroom communities at night but have a robust daytime infrastructure. Cities like Vernon, Commerce, Industry, Pico Rivera and La Mirada do not receive an adequate return on their contribution.

The GCCOG does not support the continued expectation that local jurisdictions hosting a Metro Rail project be required to contribute 3% of the capital cost of the extension based on a proportionate share of route miles and station locations. This requirement is potentially devastating to smaller communities. The West Santa Ana Branch/Eco-Rapid Transit corridor goes through the heart of Gateway Cities' disadvantaged communities as identified by the Cal EPA EnviroScreen; requiring a 3% contribution would tie-up local return funds for decades.

Like the South Bay COG, GCCOG supports encouraging local jurisdictions to invest in community infrastructure such as active transportation,
enhanced transit safe pedestrian paths and other First/Last Mile connections that will improve access to the stations, enhance safety and aesthetics adjacent to the rail rights of way, and undertake economic development initiatives that will add local ridership once the project is completed.

- The GCCOG’s objections to the reprioritization of Measure R projects stems from the reality that 19 of the 44 listed projects in the Expenditure Plan are new (44%). Many of these new projects are also accelerated past the Measure R initiatives based on their “performance” under the Board approved Performance Metrics criteria. In the first 15 years, 11 of the total projects are new projects. The cost estimates and performance benefit for the new projects are speculative until they undergo specific project development, environmental clearance and other analyses. This speculative nature allows a project with little or no definition to utilize attributes for the most favorable mode and model accordingly. It also has allowed funding scenarios to be created that may have very little relation to the ultimate financial plan. Projects scheduled behind massive, new undefined initiatives are at risk of being further delayed because of unknowns and resultant cost increases. This risk is simply not acceptable to the Gateway Cities jurisdictions.

- The last area of contention is the classification of projects as system connectivity. This classification was strictly interpreted to exclude projects such as the I-710 and the I-5 even though they met the definition below:

"... These regional facilities for passengers and goods include airports, seaports, central rail stations, and the modernization of highway and transit infrastructure that serve these facilities. This program is intended to support system-wide highway improvements, access to airports and seaports, and transit connectivity and modernization. System-wide highway improvements include improved technology to better manage traffic flow on freeways and roadways, freeway construction projects that eliminate key bottlenecks and enable increased volumes of commuters to travel on freeways at faster speeds through new carpool lanes, and expanded services that eliminate bottlenecks created by traffic incidents such as Freeway Service Patrol. Access improvements to the Los Angeles County airports and seaports include projects that improve the direct access to the airports and seaports from the highway system, improving the flow of goods and passengers on the highway system while reducing the impact of truck and vehicle traffic to the surrounding communities through projects that use technology to reduce air pollution emitted from truck traffic."

A comprehensible rationale for exempting nationally recognized freight corridors has never been provided to the GCCOG and, as a result, the I-5 Corridor (I-605/I-710) has been designated a “Subregional project” as has the I-710, which serves the nation’s largest ports.
The Honorable John Fasana, Chairman and
Board of Directors
July 12, 2016
Page 4

The MTA Board compounded the sub-regional inequity at its June 23, 2016, meeting by approving an amendment that designated $189 million for a new and undefined bus rapid transit line with an unknown total cost that will link the West San Fernando Valley to Cal State Northridge and labeling it “system connectivity” to allow for the entire county to pay for this project.

The ballot language states that a “Yes” vote will:

“...improve freeway traffic flow/safety; repair potholes/sidewalks; repave local streets; earthquake retrofit bridges; synchronize signals;...”

What is left out of the ballot measure is the reality that most of this will not even begin until 2026 (I-710) or 2032 (I-5) and that fixing potholes will be an even greater challenge given the funding commitment. The GCCOG finds this situation unacceptable, hence the approval of the attached Resolution.

Sincerely,

Al Austin II, President
Board of Directors

Enclosure: Resolution 2016-02

cc: Board of Directors - Gateway Cities Council of Governments
MTA Board of Directors
Mr. Phillip Washington, Metro CEO
All State and Federal Legislative Offices
To: Mayor and City Council

From: City Manager

Meeting Date: October 11, 2016

Subject: INSTALLATION OF TRAFFIC CONTROL DEVICES – TRAFFIC SAFETY

Recommendation: Receive and file

Fiscal Impact:

The labor and materials cost for the installation of the traffic control devices is estimated at $1,050. The Fiscal Year 2016-17 Adopted Budget includes $45,000 in appropriations for signage in the Public Works budget (Account No. 010-4200-44650 or 100.40.4030-54650, Signage). No additional appropriations or budget adjustments are required at this time.

Discussion:

On May 24, 2011, the City Council approved a Resolution giving the City Manager the authority to approve the installation of traffic control devices based upon the completion of a traffic/engineering study. According to the Resolution, staff is required to notify the City Council of changes to traffic control devices as soon as practicable following completion of the installation.

During this reporting period, the Public Works Department received requests to consider new traffic control devices to resolve traffic issues at various locations in the City. Engineering staff has completed the necessary evaluations and traffic studies. Traffic control devices will be installed at the location where they were deemed warranted following the approval of the City Manager and Director of Public Works/City Engineer. A summary of the changes made during this reporting period is as follows:

**All-way Stop Signs – Bermudez Street at Bequette Avenue**

In response to concerned residents and businesses, a traffic investigation of the intersection of Bermudez Street and Bequette Avenue was conducted using the 2014 California MUTCD All-Way Stop Sign Warrant standards. A field visit was also conducted to evaluate site-specific conditions, such as traffic volumes, collision history, sight distance, intersection geometrics, vehicle speeds, physical obstructions, and driver behavior.
The study intersection currently contains two-way stop signs that require Northbound and Southbound traffic along Bequette Avenue to stop prior to entering the intersection. The safety record at the intersection of Bermudez Street and Bequette Avenue is good with no reported collisions in the past 12 months. Measured traffic volumes are also below the minimum required for all-way stop controls.

A significant amount of vehicles, including delivery trucks, make right and left turning movements at the study intersection during a.m. and p.m. peak hours. In order to improve safety, all-way stop signs will be installed on Bermudez Street at Bequette Avenue. The new stop signs will require Eastbound and Westbound motorists to stop prior to entering the study intersection. This also provides consistency along this stretch of Bermudez Street since the intersection with Serapis Avenue is currently an all-way stop.

The total cost estimate for the installation of signs and pavement markings at the study intersection is $1,050. This includes engineering ($500), labor ($350) and materials ($200). Additional technical information can be found in the attached documents.

René Bobadilla

RB:JE:JL:lg

Enc. 1) Traffic Analysis - All Way Stop at Bermudez Street and Bequette Ave
    2) Vicinity Map
STOP SIGN WARRANT ANALYSIS

Intersection of Bequette Avenue and Bermudez Street

Prepared for:

THE CITY OF PICO RIVERA
6615 Passons Boulevard
Pico Rivera, CA 90660-1016

Prepared by:
James Enriquez, P.E.
City of Pico Rivera
Director of Public Works/City Engineer

October 4, 2016
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Certification

I, James Enriquez, do hereby certify that this Stop Sign Warrant Analysis, for the City of Pico Rivera, were performed under my supervision and is accurate and complete. I certify that I am both experienced in performing studies of this type and duly registered in the State of California as a professional Civil Engineer.

James Enriquez, P.E.
RCE Number: 55520
**Background**

The City received a request for installation of All-Way stop signs on Bermudez Street at the intersection with Bequette Avenue. A field investigation was conducted, traffic count data collected, and traffic accident history reviewed. The following are the findings of the investigation.

**Review**

The intersection of Bequette Avenue and Bermudez Street exist as a four-way intersection with Bermudez Street (east-west) uncontrolled. Bequette Avenue (north-south) is presently controlled by stop signs for northbound and southbound traffic. Figure 1 presents a vicinity map of the subject location and Figure 2, presents an aerial photograph of the intersection. Intersection photographs are attached to the back of this study.

![Figure 1: Vicinity Map](image-url)
Accident Warrant
A total of zero (0) traffic accidents have been reported at this intersection during the past twelve months which are of a type susceptible to correction by installation of stop signs. Such crashes include right-turn and left-turn collisions as well as right-angle (broadside) collisions. No other accidents have been reported at this intersection.

The Manual on Uniform Traffic Control Devices (MUTCD) Stop Sign warrant requires 5 or more reported crashes in a 12-month period that are susceptible to correction by a multiway stop installation. This intersection does not satisfy the accident warrant requirement.

Traffic Volume Warrant
The MUTCD stratifies the traffic volume warrant into three separate sections. See California MUTCD (excerpt) attached for further explanation.

1. The vehicular volume entering the intersection from the major street approaches (total of both approaches) averages at least 300 vehicles per hour for any 8 hours of an average day, and

2. The combined vehicular, pedestrian, and bicycle volume entering the intersection from the minor street approaches (total of both approaches) averages at least 200 units per hour for the same 8 hours, with an average delay to minor-street vehicular traffic

3. If the 85th-percentile approach speed of the major-street traffic exceeds 65 km/h or exceeds 40 mph, the minimum vehicular volume warrants are 70 percent of the above values.

The traffic volumes at this intersection are not high enough to satisfy the traffic volume warrant requirements. Warrant worksheets are attached at the rear of this study.
The Need to Control Left-Turn Conflicts

A significant amount of vehicles make right and left turn movements at the study intersection during a.m. and p.m. peak hours. In order to improve safety, all-way stop signs will be installed on Bermudez Street at Bequette Avenue. The new stop signs will require Eastbound and Westbound motorists to stop, prior to entering the study intersection.

Recommendation

In an effort to promote the safe and efficient flow of traffic the following recommendation is presented.

1. Approve the request for installation of all-way stop signs at the intersection of Bermudez Street and Bequette Avenue.
Bermudez Street facing East towards Bequette Ave

Bermudez Street facing West towards Bequette Ave
California MUTCD (excerpt)
Section 2B.07 Multiway Stop Applications

Support:
Multiway stop control can be useful as a safety measure at intersections if certain traffic conditions exist. Safety concerns associated with multiway stops include pedestrians, bicyclists, and all road users expecting other road users to stop. Multiway stop control is used where the volume of traffic on the intersecting roads is approximately equal.

The restrictions on the use of STOP signs described in Section 2B.05 also apply to multiway stop applications.

Guidance:
The decision to install multiway stop control should be based on an engineering study.
The following criteria should be considered in the engineering study for a multiway STOP sign installation:

A. Where traffic control signals are justified, the multiway stop is an interim measure that can be installed quickly to control traffic while arrangements are being made for the installation of the traffic control signal.

B. A crash problem, as indicated by 5 or more reported crashes in a 12-month period that are susceptible to correction by a multiway stop installation. Such crashes include right- and left-turn collisions as well as right-angle collisions.

C. Minimum volumes:
   1. The vehicular volume entering the intersection from the major street approaches (total of both approaches) averages at least 300 vehicles per hour for any 8 hours of an average day, and
   2. The combined vehicular, pedestrian, and bicycle volume entering the intersection from the minor street approaches (total of both approaches) averages at least 200 units per hour for the same 8 hours, with an average delay to minor-street vehicular traffic of at least 30 seconds per vehicle during the highest hour, but
   3. If the 85th-percentile approach speed of the major-street traffic exceeds 65 km/h or exceeds 40 mph, the minimum vehicular volume warrants are 70 percent of the above values.

D. Where no single criterion is satisfied, but where Criteria B, C.1, and C.2 are all satisfied to 80 percent of the minimum values. Criterion C.3 is excluded from this condition.

Option:
Other criteria that may be considered in an engineering study include:

A. The need to control left-turn conflicts;

B. The need to control vehicle/pedestrian conflicts near locations that generate high pedestrian volumes;

C. Locations where a road user, after stopping, cannot see conflicting traffic and is not able to reasonably safely negotiate the intersection unless conflicting cross traffic is also required to stop; and

D. An intersection of two residential neighborhood collector (through) streets of similar design and operating characteristics where multiway stop control would improve traffic operational characteristics of the intersection.
**Section A - Is a Stop Sign being used temporarily for a justified Traffic Signal?**

Where traffic control signals are justified, the multiway stop is an interim measure that can be installed quickly to control traffic while arrangements are being made for the installation of the traffic control signal.

### Section B - Accident Experience

A crash problem, as indicated by 5 or more reported crashes in a 12-month period that are susceptible to correction by a multiway stop installation. Such crashes include right- and left-turn collisions as well as right-angle collisions.

<table>
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<th>Minimum Requirement</th>
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<tr>
<td>100% - 5 or More</td>
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<tr>
<td>80% - 4 or More</td>
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### Section C1 - Minimum Vehicular Volume

The vehicular volume entering the intersection from the major street approaches (total of both approaches) averages at least 300 vehicles per hour for any 8 hours of an average day, and:

<table>
<thead>
<tr>
<th>APPROACH LANES</th>
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<tr>
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<td>Both Approchs. Major Street</td>
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<tr>
<td>Both Approch. Minor Street</td>
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</table>

### Section C2 - Combined Volumes

The combined vehicular, pedestrian, and bicycle volume entering the intersection from the minor street approaches (total of both approaches) averages at least 200 units per hour for the same 8 hours, with an average delay to minor-street vehicular traffic.

#### Section C3 - Speeds Greater Than 40 MPH

If the 85th-percentile approach speed of the major-street traffic exceeds 65 km/h or exceeds 40 mph, the minimum vehicular volume warrants are 70 percent of the above values.

### Section D - Combination of Warrants

Where no single criterion is satisfied, but where Criteria B, C.1, and C.2 are all satisfied to 80 percent of the minimum values. Criterion C.3 is excluded from this condition.

- Criteria B satisfied at 80%
- Criteria C1 satisfied at 80%
- Criteria C2 satisfied at 80%

Option: Other criteria that may be considered in an engineering study include:

A. The need to control left-turn conflicts;
B. The need to control vehicle/pedestrian conflicts near locations that generate high pedestrian volumes;
C. Locations where a road user, af
ENCLOSURE 2

1 - INSTALL 12" WIDE LIMIT LINE
2 - INSTALL STOP SIGN AND POST (R1-1)
3 - INSTALL PAVEMENT MARKING AS SHOWN

CITY OF PICO RIVERA
DEPARTMENT OF PUBLIC WORKS - ENGINEERING DIVISION
BERMUEDEZ ST AT BEQUETTE AVE - ALL-WAY STOP

PREPARED BY: R. Delgadillo
APPROVED BY:
SCALE: NOT TO SCALE
DATE: 10-04-16
To: Mayor and City Council
From: City Manager
Meeting Date: October 11, 2016
Subject: PICO PARK ENHANCEMENTS PROJECT (CIP NO. 21279)
NOTICE OF COMPLETION

Recommendations:

1) Accept the work as completed for the Pico Park Enhancements Project (CIP No. 21279) constructed by Salix Development, Inc., and authorize the City Clerk to file the Notice of Completion with the Los Angeles County Registrar-Recorder; and

2) Find that the requested “Changes in Work” for the Pico Park Enhancements Project (Enclosure 1) have no significant effect on the environment and approve the changes in the amount of $35,078. The final contract amount with Salix Development, Inc. is $396,219; and

3) Approve the appropriation of $9,725 of additional Public Image Enhancement (PIE) Funds (Fund 220) and adjust the Fiscal Year 2016-17 budget accordingly to provide adequate project funding; and

4) Approve the final Total Project Budget of $558,125 (Enclosure 2) and authorize the City Manager to release the retention payment and all other monies due to Salix Development, Inc. following the mandatory waiting period from the date the Notice of Completion is recorded.

Fiscal Impact:

Funding for this project totaling $548,400 was previously appropriated as shown in the Total Project Budget (Enclosure 2). This includes $200,000 from the Land and Water Conservation Grant (Fund 699), $32,200 from the EDA Fund (Fund 255), and $316,200 from the Public Image Enhancement (PIE) Fund (Fund 220). Funding was appropriated by City Council action in Fiscal Years 2013-14 and 2015-16.

The final total project cost is $558,125. It is recommended that the City Council adjust the Fiscal Year 2016-17 budget and appropriate an additional $9,725 in PIE funding (Fund 220), as shown in the Total Project Budget (Enclosure 2), to provide adequate project funding and allow the project to be closed out.
Discussion:

The Pico Park Enhancements Project (CIP No. 21279) is in the City’s Capital Improvement Program. The project created active recreational opportunities with the construction of a rubberized jogging track, four exercise stations, a shade structure, picnic tables, barbeque grills, water fountain, and trash receptacles.

At its meeting on February 23, 2016, the City Council awarded a construction contract in the amount of $373,788 to Salix Development, Inc., for the construction of the project following a public bidding process in accordance with the California Public Contract Code.

Construction was completed on August 19, 2016 and performed with acceptable quality and workmanship, to the satisfaction of the City Engineer. Staff recommends the filing of the Notice of Completion with the Los Angeles County Registrar-Recorder in order to close out the project.

The construction contract is a unit priced contract and the City measures and pays for the actual quantities constructed for each item on the Bid Schedule. The actual quantities measured resulted in a decrease in the total value of the original contract in the amount of $12,647. In addition, two (2) change orders totaling $35,078 in additional costs were executed (Enclosure 1). Therefore, the final construction contract amount with Salix Development, Inc. is $396,219.

René Bobadilla

RB:JE:JL:lg

Enc. 1) Changes in Work (Authorization)
2) Total Project Budget (Final)
CHANGES IN WORK (AUTHORIZATION)
October 11, 2016

PICO PARK ENHANCEMENTS
CIP NO. 21279

Project Description:
The project improvements include active recreational opportunities with the construction of a rubberized jogging track, four exercise stations, a shade structure, picnic tables, barbeque grills, water fountain, and trash receptacles.

Changes in Work:

(1) Relocation of irrigation system. $3,500.00
(2) Concrete block wall construction. $31,577.72

Total Changes in Work (CO Nos. 1 - 2) $35,077.72

Description of Changes:
(1) The existing irrigation system was in conflict with the configuration of the proposed rubberized jogging track. Irrigation heads and lateral lines required relocation at various locations throughout the park in order to ensure proper coverage to irrigate the turf and to avoid overspray onto the new track.

(2) Following the demolition of the building at the south end of the park, where the new picnic shade shelter was constructed, the remaining electrical service panels adjacent to the building required the construction of a block wall enclosure. The new enclosure provides security for the electrical panels and was also an aesthetic improvement. Additionally, a concrete block wall between the park and a neighboring residential property in this area required structural modifications in order to salvage the wall and maintain privacy for the residents.

Revised Contract Amount:

Original construction contract amount $373,787.50
Adjustment for Final Quantities ($12,647.21)
Actual construction contract work completed $361,140.29
Changes in work to be authorized $35,077.72
Final construction contract amount $396,218.01
Percent total change relative to Original Contract Amount +6.00%
# PICO PARK ENHANCEMENTS
## CIP NO. 21279
### TOTAL PROJECT BUDGET
As of October 11, 2016

<table>
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<td>Construction Contract (Salix Development, Inc.) – (Includes $12,647 reduction in the contract amount for the adjustment of final measured quantities)</td>
<td>$361,141</td>
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<td>Construction Change Orders - Recommended</td>
<td>$35,078</td>
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<td>Construction Management (AIM Consulting Services)</td>
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<td>Soils Testing</td>
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<td>Project Sign</td>
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<td><strong>TOTAL PROJECT COST:</strong></td>
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<th>Funding Category</th>
<th>Estimated Budget</th>
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<td>Land and Water Conservation Grant (Fund 699)</td>
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<td>Public Image Enhancement Fund (PIE) (Fund 220) (Appropriated in Fiscal Year 2015-16 Budget)</td>
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<td>Economic Development Sustainability Fund (Fund 255) (Appropriated in Fiscal Year 2013-14 Budget )</td>
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<td>Public Image Enhancement Fund (PIE) (Fund 220) - Requested Additional Appropriation Fiscal Year 2016-17</td>
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<td><strong>TOTAL:</strong></td>
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To: Mayor and City Council

From: City Manager

Meeting Date: October 11, 2016

Subject: PROPOSED AMENDMENT TO PICO RIVERA MUNICIPAL CODE CHAPTER 3.56 ESTABLISHING AN ADMINISTRATIVE CLAIMS PROCEDURE FOR CLAIMS EXEMPTED UNDER THE GOVERNMENT TORT CLAIMS ACT

Recommendation:

First Reading and introduction of Ordinance amending Pico Rivera Municipal Code Chapter 3.56.

Fiscal Impact:

The recommended action has no fiscal impact.

Discussion:

This Ordinance was initially introduced to the City Council at the June 28, 2016, City Council meeting. At this meeting, staff was instructed to speak with the unions and clarify any misunderstanding of the California Government Tort Claims Act prior to adoption of this Ordinance. Staff met with the City’s bargaining units, SEIU – Local 721; and the Confidential Employees Association (CEA) for mid-managers, and for professional and confidential employees, to discuss the proposed amendment. City staff considered the feedback received from the City’s bargaining units and drafted the attached Ordinance.

The California Government Tort Claims Act ("Tort Claims Act") establishes an administrative claims procedure for the presentation of claims to public entities. Generally, the Tort Claims Act requires the filing of an administrative claim for damages as a prerequisite to filing a civil action for damages against a public entity. The Tort Claims Act includes a list of damage claims which are exempted from the claim-presentation requirements under the Tort Claims Act. (Government Code Section 905.) For the list of exempted damage claims, the Tort Claims Act provides that such damage claims “shall be governed by the procedure prescribed in any charter, ordinance or regulation adopted by the local public entity.” (Government Code Section 935(a).)
However, the Tort Claims Act grants public entities the discretion of adopting by ordinance a claim filing requirement for those classes of claims which are exempted under Government Code Section 935(a), which states “Claims against a local public entity for money or damages which are excepted by Section 905 from Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of this part, and which are not governed by any other statutes or regulations expressly relating thereto, shall be governed by the procedure prescribed in any charter, ordinance or regulation adopted by the local public entity.”. The exercise of this authority is a great benefit to public entities. A public entity may decrease their potential liability by exercising this authority under the Tort Claims Act by requiring potential claimants to comply with the Tort Claims Act’s one-year statute of limitations. A claimant’s failure to file a claim within the Tort Claims Act’s one-year statute of limitations would bar the claimant from filing a lawsuit against the public entity.

The City of Pico Rivera’s existing procedure for filing claims against the City does not include a requirement for claimants pursuing claims exempted under the Tort Claim Act to file the claim against with City as a pre-requisite to filing a civil suit against the City.

To that end, staff recommends the City Council adopt Ordinance amending Pico Rivera Municipal Code Chapter 3.56. The proposed amendment to Pico Rivera Municipal Code Chapter 3.56 establishes a claims procedure for those classes of claims which are exempted under the Tort Claims Act, except for claims brought by public employees for fees, salaries, wages, mileage, or other expenses and allowances.

René Bobadilla

RB:MS:sp

Enclosure: 1) Ordinance
2) Ordinance No. 967
3) Government Codes
ORDINANCE NO. ______

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF PICO RIVERA, CALIFORNIA AMENDING TITLE 3,
CHAPTER 3.56 OF THE CITY’S MUNICIPAL CODE
RELATING TO THE PROCEDURE FOR CLAIMS AGAINST
THE CITY

WHEREAS, the California Government Tort Claims Act (“Tort Claims Act”) establishes an administrative claims procedure for the presentation of claims to public entities, which includes a requirement that a claim be filed with the public entity prior to filing a civil action against the public entity;

WHEREAS, the Tort Claims Act includes a list of damage claims which are exempted from the claim-presentation requirements under the Tort Claims Act. (Government Code Section 905.);

WHEREAS, the Tort Claims Act grants public entities the discretion of adopting by ordinance a claim filing requirement for those classes of claims which are exempted under Government Code Section 935(a);

WHEREAS, the City of Pico Rivera wishes to exercise its discretion under the Torts Claim Act to establish by ordinance a claim filing requirement for those classes of claims which are exempted under Government Code Section 935(a);

WHEREAS, the City of Pico Rivera's interests would be more effectively protected with the adoption of the amended procedure for claims against the City;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PICO RIVERA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Title 3 (REVENUE AND FINANCE), Chapter 3.56 (CLAIMS AGAINST THE CITY) of the Pico Rivera Municipal Code is hereby amended as follows:

3.56.010 Authority.
This Chapter is enacted pursuant to Section 935 of the California Government Code. The provisions of this chapter implement the general claim procedures applicable to the city and all local public agencies governed by Part 3 of Division 3.6 of Title 1 of Government Code Section 900 et seq.

3.56.020 Claims Required.
All claims against the city for money or damages not otherwise governed by the Tort Claims Act, California Government Code Sections 900 et. seq., or another state law (hereinafter in this chapter, “claims”) shall be presented within the time, and in the manner, prescribed by Part 3 of Division 3.6 of Title 1 of the California Government Code (commencing with Section 900 thereof) for the claims to which that part applies by its own terms, as those provisions now exist or shall hereafter be amended, and as further provided by this chapter. (Ord. 967 § 1, 2001)

3.56.025 Special Claims Procedure.
Notwithstanding the exemptions set forth in California Government Code Section 905, all claims, except claims by public employees for fees, salaries, wages, mileage, or other expenses and allowances, against the city for damages or money, when a procedure for processing such claims is not otherwise provided by state or local laws, including claims for tax refunds, shall be presented within the time limitations and in the manner prescribed by California Government Code Sections 910 through 915.2, but in no event shall exceed one-year. Such claims shall further be subject to the provisions of California Government Code Section 945.4 relating to the prohibition of suits in the absence of the presentation of claims and action thereon.

3.56.030 Form of Claim.
All claims shall be made in writing and verified by the claimant or by his or her guardian, conservator, executor or administrator. No claim may be filed on behalf of a class of persons unless verified by every member of that class as required by this section. In addition, all claims shall contain the information required by California Government Code Section 910. (Ord. 967 § 1, 2001)

3.56.040 Claim Prerequisite Suit.
In accordance with California Government Code Sections 935(b) and 945.6, all claims shall be presented as provided in this section and acted upon by the city council prior to the filing of any action on such claims and no such action may be maintained by a person who has not complied with the requirements of Section 2 of this chapter. (Ord. 967 § 1, 2001)

3.56.050 Suit.
Any action brought against the City of Pico Rivera upon any claim or demand shall conform to the requirements of Sections 940-949 of the California Government Code. Any action brought against any employee of the City of Pico Rivera shall confirm with the requirements of Section 950-951 of the California Government Code. (Ord. 967 § 1, 2001)

SECTION 2. If any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it
would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**SECTION 3.** To the extent the provisions of the Pico Rivera Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this Ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

**SECTION 4.** The City Clerk shall certify to the adoption of this Ordinance and cause the same to be published in the manner prescribed by law.

APPROVED AND ADOPTED this _______ day of ________________, 2016.

____________________________
David W. Armenta, Mayor

ATTEST: 

____________________________ ___________________________________
Anna M. Jerome, City Clerk  Arnold M. Alvarez-Glasman, City Attorney

AYES:
NOES:
ABSENT:
ABSTAIN:
ORDINANCE NO. 967

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA AMENDING TITLE 3 (REVENUE AND FINANCE) OF THE PICO RIVERA MUNICIPAL CODE BY THE ADDITION OF CHAPTER 3.56 (CLAIMS AGAINST THE CITY) TO PROVIDE FOR AN ORDERLY CLAIMS PROCESS

WHEREAS, Government Code § 935 provides for a claims process, by local ordinance, for claims against cities and counties that are not covered by the "Tort Claims Act," and

WHEREAS, the City of Pico Rivera’s interests would be more effectively protected with the enactment of a claims ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PICO RIVERA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Title 3 (REVENUE AND FINANCE) of the Pico Rivera Municipal Code is hereby amended by the addition of Chapter 3.56 (CLAIMS AGAINST THE CITY) as follows:

Chapter 3.56

CLAIMS AGAINST THE CITY

Sections:

3.56.010 Authority.
3.56.020 Claims Required.
3.56.030 Form of Claim.
3.56.040 Claim Prerequisite to Suit.
3.56.050 Suit.

3.56.010 Authority.

This Chapter is enacted pursuant to Section 935 of the California Government Code.

3.56.020 Claims Required.

All claims against the City for money or damages not otherwise governed by the Tort Claims Act, California Government Code Sections 900 et. Seq., or another state law (hereinafter in this Chapter, “claims”) shall be presented within the time, and in the manner, prescribed by Part 3 of Division 3.6 of Title 1 of the California Government Code (commencing with Section 900 thereof) for the claims to which that Part
applies by its own terms, as those provisions now exist or shall hereafter be amended, and as further provided by this chapter.

3.56.030 Form of Claim.
All claims shall be made in writing and verified by the claimant or by his or her guardian, conservator, executor or administrator. No claim may be filed on behalf of a class of persons unless verified by every member of that class as required by this section. In addition, all claims shall contain the information required by California Government Code Section 910.

3.56.040 Claim Prerequisite to Suit.
In accordance with California Government Code Sections 935(b) and 945.6, all claims shall be presented as provided in this section and acted upon by the City Council prior to the filing of any action on such claims and no such action may be maintained by a person who has not complied with the requirements of Section 2 of this Chapter.

3.56.050 Suit.
Any action brought against the City of Pico Rivera upon any claim or demand shall conform to the requirements of Sections 940-949 of the California Government Code. Any action brought against any employee of the City of Pico Rivera shall confirm with the requirements of Section 950-951 of the California Government Code.

SECTION 2. The City Council hereby declares it would have passed this ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that the provisions of this ordinance are severable and, if for any reason any sentence, paragraph, or section of this ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of this ordinance.

SECTION 3. The City Clerk shall certify to the adoption of this Ordinance. The City Council hereby finds and determines that there are not newspapers of general circulation both published and circulated within the City and, in compliance with Section 36933 of the Government Code directs the City Clerk to cause said Ordinance, within fifteen (15) days after its passage, to be posted in at least five (5) public places within the City. This Ordinance shall take effect thirty (30) days after its adoption.
GOVERNMENT CODE
SECTION 935-935.9

935. (a) Claims against a local public entity for money or damages which are excepted by Section 905 from Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of this part, and which are not governed by any other statutes or regulations expressly relating thereto, shall be governed by the procedure prescribed in any charter, ordinance or regulation adopted by the local public entity.

GOVERNMENT CODE
SECTION 905-907

905. There shall be presented in accordance with Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) all claims for money or damages against local public entities except any of the following:

    (a) Claims under the Revenue and Taxation Code or other statute prescribing procedures for the refund, rebate, exemption, cancellation, amendment, modification, or adjustment of any tax, assessment, fee, or charge or any portion thereof, or of any penalties, costs, or charges related thereto.

    (b) Claims in connection with which the filing of a notice of lien, statement of claim, or stop notice is required under any law relating to liens of mechanics, laborers, or materialmen.

    (c) Claims by public employees for fees, salaries, wages, mileage, or other expenses and allowances.

    (d) Claims for which the workers' compensation authorized by Division 4 (commencing with Section 3200) of the Labor Code is the exclusive remedy.

    (e) Applications or claims for any form of public assistance under the Welfare and Institutions Code or other provisions of law relating to public assistance programs, and claims for goods, services, provisions, or other assistance rendered for or on behalf of any recipient of any form of public assistance.

    (f) Applications or claims for money or benefits under any public retirement or pension system.

    (g) Claims for principal or interest upon any bonds, notes, warrants, or other evidences of indebtedness.

    (h) Claims that relate to a special assessment constituting a specific lien against the property assessed and that are payable from the proceeds of the assessment, by offset of a claim for damages against it or by delivery of any warrant or bonds representing it.

    (i) Claims by the state or by a state department or agency or by another local public entity or by a judicial branch entity.

    (j) Claims arising under any provision of the Unemployment Insurance Code, including, but not limited to, claims for money or benefits, or for refunds or credits of employer or worker contributions, penalties, or interest, or for refunds to workers of deductions from wages in excess of the amount prescribed.

    (k) Claims for the recovery of penalties or forfeitures made
pursuant to Article 1 (commencing with Section 1720) of Chapter 1 of Part 7 of Division 2 of the Labor Code.

(l) Claims governed by the Pedestrian Mall Law of 1960 (Part 1 (commencing with Section 11000) of Division 13 of the Streets and Highways Code).

(m) Claims made pursuant to Section 340.1 of the Code of Civil Procedure for the recovery of damages suffered as a result of childhood sexual abuse. This subdivision shall apply only to claims arising out of conduct occurring on or after January 1, 2009.

(n) Claims made pursuant to Section 701.820 of the Code of Civil Procedure for the recovery of money pursuant to Section 26680.

(o) Claims made pursuant to Section 49013 of the Education Code for reimbursement of pupil fees for participation in educational activities.
To: Mayor and City Council
From: City Manager
Meeting Date: October 11, 2016
Subject: ADOPTION OF THE 2016 CALIFORNIA BUILDING CODES, AMENDING TITLE 15, BUILDING AND CONSTRUCTION, OF THE PICO RIVERA MUNICIPAL CODE

Recommendation:

1) Introduce Ordinance amending Title 15 of the Pico Rivera Municipal Code by adopting by reference Parts 1 through 6, and 8 through 12 of Title 24 of the California Code of Regulations; and

2) Set a public hearing for October 25, 2016 for adoption by reference, of the Codes incorporating the California Building Code, California Residential Code, California Electrical Code, California Historical Code, California Plumbing Code, California Energy Code, California Existing Building Code, California Mechanical Code, California Green Building Standards Code, California Administrative Code, California Referenced Standards Code, and the Los Angeles County Fire Code; and

3) Adopt Resolution, which includes the findings necessary for the local amendments we have made to the model codes.

Fiscal Impact:

There is no fiscal impact as a result of the recommended action.

Discussion:

The California Health and Safety Code Section 17958 requires cities to adopt the most recent edition of the model building standards codes as amended and adopted by the California Building Standards Commission (CBSC). This occurs on a triennial basis. On November 12, 2013 the City last updated Title 15, Building and Construction, of the Pico Rivera Municipal Code adopting the California Building Codes by reference.

California Government Code Section 38660 empowers the legislative body of a City to regulate building construction, and Section 50020 through 50022.7 provides for adoption of the codes by reference.
If no action is taken by the City Council, the new California Codes will become effective January 1, 2017 as published by the State, and the City will lose the opportunity to adopt more stringent requirements suitable for our local climatic, geological, and topographic conditions. By adopting the codes prior to January 1, 2017, the City Council can amend the State model building standard codes to better accommodate these local conditions if specific findings are made justifying the modifications to the code. To further protect the public health, welfare and safety specific to Pico Rivera residents, staff recommends maintaining the same basic modifications to the Codes that were made during the last Code cycle adoption three years ago.

Although there are multiple minor code modifications that have been in effect in Pico Rivera for years, the most notable more stringent requirement the City will continue to enforce is the requirement for a Class “A” roof material. Class “A” is less combustible than other types of roofing materials such as wood shake. Highly combustible roofing materials, such as wood shake, are not recommended in the City due to the close proximity of most structures and the tendency for moderate winds, such as the Santa Ana Winds, to blow through the City. Moderate winds would pose a fire danger with highly combustible roofing materials.

The recommended code modifications will not impose any new or significant financial burden to development projects in the City, do not differ significantly from previous code adoption cycles, and are similar to code modifications in surrounding cities. Other revisions to the code are also related to outdated references and codes that have changed or were deleted since the last code adoption cycle.

René Bobadilla

RB:JE:KF:lg

Enc. 1) Ordinance
  2) Resolution
  3) California Code References
ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, AMENDING SPECIFIED CHAPTERS OF TITLE 15 OF THE PICO RIVERA MUNICIPAL CODE ADOPTING BY REFERENCE PARTS 1 THROUGH 6, AND 8 THROUGH 12 OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS

WHEREAS, the City Council of the City of Pico Rivera hereby finds that the public health, safety, and welfare will be best protected and served by the adoption of various building and construction industry codes that are established and maintained by the State Building Standards Commission; and

WHEREAS, Section 19758 of the Health and Safety Code mandates that the City of Pico Rivera adopt ordinances and regulations imposing the same requirements as are contained in the regulations adopted by the State pursuant to the Health and Safety Code Section 17922; and

WHEREAS, Section 17958.5 of the Health and Safety Code permits the City to make changes or modifications as are reasonably necessary because of local conditions; and

WHEREAS, Section 17958.5 requires that the City make finding that such changes and modifications are needed due to climatic, geographic, or topographic conditions; and

WHEREAS, Section 18938 et seq. of the California Health and Safety Code specifies that the California Building Standards Code applies to all occupancies throughout the State; and

WHEREAS, Section 50022.1 et seq. of the California Government Code provides local agencies may enact ordinances which adopt codes by reference, in whole or part.

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

SECTION 1. The Table of Contents of Title 15 of the Pico Rivera Municipal Code is hereby amended to read as follows:

TITLE 15
BUILDINGS AND CONSTRUCTION

Chapters:

15.04 Technical Building Codes
15.08 Building Code
15.10 Residential Code
15.12 Housing Code
15.16 Abatement of Dangerous Building Code
15.24  Mechanical Code  
15.28  Electrical Code  
15.32  Plumbing Code  
15.34  Green Building Standards Code  
15.35  Energy Code  
15.37  Historical Building Code  
15.38  Existing Building Code  
15.40  Undergrounding of Utilities  
15.42  Referenced Standards Code  
15.44  Fire Code  
15.48  Standard Specifications for Public Works Construction  
15.50  Floodplain Management

SECTION 2. Chapter 15.04 of Title 15 of the Pico Rivera Municipal Code is hereby repealed in its entirety, and a new Chapter 15.04 of Title 15 is hereby added in place thereof to read as follows:

Chapter 15.04 Technical Building Codes

15.04.010 Adoption of specific codes—Copies on file. 
15.04.020 Definition of terms. 
15.04.030 Resolution of conflicts in application.

15.04.010 Adoption of Specific Codes—Copies on file.

A. For the purpose of prescribing regulations for erecting, construction, enlargement, alteration, repair, improving, removal, conversion, demolition, occupancy, equipment use, height, and area of buildings and structures, the following construction codes subject to the modifications set forth in this Chapter, are hereby adopted:


B. In accordance with, Health and Safety Code Section 18942(d), one copy of an up to date version of said codes will remain on file for use and examination by the public in the office of the Building Official.

15.04.020 Definition of terms.

Whenever any of the following names or terms are used in this Title or in any of the codes adopted by reference in this Title, unless the context directs otherwise, such names or terms shall be deemed and construed to have the meaning ascribed to it in this section, as follows:

A. “Building Division” means the Public Works Department, Building Division of the City of Pico Rivera;

B. “Building Official” means the Person serving in the position of Building Official within the Public Works Department of the City of Pico Rivera or his or her designee;

C. “Health Office” means the Los Angeles County Department of Health Services.

15.04.030 Resolution of conflicts in application.

In the event of any conflict or ambiguity between any provision contained in the California Codes and any amendment thereto or addition thereto contained in this title, the amendment or addition thereto shall control.

**SECTION 3.** Chapter 15.08 of Title 15 of the Pico Rivera Municipal Code is hereby repealed in its entirety, and a new Chapter 15.08 of Title 15 is hereby added in place thereof to read as follows:

**Chapter 15.08 Building Code**

15.08.010 Documents—Adopted by reference.
15.08.020 Chapter 1—General code provisions.
15.08.030 Section 312.1 amended—Swimming pools.
15.08.040 Sections 311.4 and 312.2 added—Garage surfaces.
15.08.010 Documents—Adopted by reference.

A. The city council of the city of Pico Rivera hereby adopts the 2016 Edition of the California Building Code including Appendix I, based on the 2015 Edition of the International Building Code, as published by the International Code Council, as Chapter 15.08 of Title 15 of this code, except such portions as are deleted, modified, or amended as set forth in this chapter. Said code is adopted and incorporated as if fully set forth herein.

B. The purpose of these codes is to prescribe regulations for the erection, construction, enlargement, alteration, repair, improving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of all buildings and structures.

State law references: Authority to regulate construction, Government Code Section 38660; California Building Standards Law, Government Code Section 18901 et seq.

15.08.020 Chapter 1—General code provisions.

Chapter 1, Division II of the 2016 California Building Code is hereby deleted and a new Chapter 1, Administration is added to read as follows:

Section 101 General
Section 102 Applicability
Section 103 Building division
Section 104 Duties and powers of building official
SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the California Building Codes of the State of California, hereinafter referred to as “this code.”

101.2 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.

101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

101.3 Intent. The purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to firefighters and emergency responders during emergency operations.

101.4 Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.7 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

101.4.1 Electrical. The provisions of the California Electrical Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

101.4.2 Gas. The provisions of the California Plumbing Code shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the
installation and operation of residential and commercial gas appliances and related accessories.

101.4.3 Mechanical. The provisions of the California Mechanical Code shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and for appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

101.4.4 Plumbing. The provisions of the California Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the California Plumbing Code shall apply to private sewage disposal systems.

101.4.5 Property maintenance. The provisions of the Uniform Housing Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

101.4.6 Fire prevention. The provisions of the California Fire Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupany or operation.

101.4.7 Energy. The provisions of the California Energy Code, Title 24, Part 6 shall apply to all matters governing the design and construction of buildings for energy efficiency.

SECTION 102 APPLICABILITY

102.1 General. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

102.2 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

102.3 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number shall be construed to refer to such chapter, section or provision of this code.
102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

102.5 Partial invalidity. In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

102.6 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the California Building Code, Uniform Housing Code or the California Fire Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

SECTION 103 BUILDING DIVISION

103.1 Creation of enforcement agency. The Building Division is hereby created and the official in charge thereof shall be known as the building official or a duly authorized representative.

103.2 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

SECTION 104 DUTIES AND POWERS OF BUILDING OFFICIAL

104.1 General. The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

104.2 Applications and permits. The building official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

104.3 Notices and orders. The building official shall issue all necessary notices or orders to ensure compliance with this code.

104.4 Inspections. The building official shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified
by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.5 Identification. The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry. The building official shall obtain an inspection warrant and may be accompanied by a sheriff.

104.7 Department records. The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

104.8 Liability. The building official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

104.9 Approved materials and equipment. Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

104.9.1 Used materials and equipment. The use of used materials which meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless approved by the building official.
104.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

104.11.1 Evaluation reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid evaluation reports from approved sources.

104.11.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

SECTION 105 PERMITS

105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Exception: Electrical maintenance permits may be obtained on an annual basis subject to compliance with the following:
1. Any person, firm or corporation regularly employing one or more qualified maintenance electricians and possessing a valid annual electrical maintenance permit for the installation, alteration and maintenance of electrical equipment in or on buildings or premises owned or occupied by the permittee, may make application and obtain an annual maintenance permit. The application for this permit shall be made in writing to the Building Official and shall contain a description of the premises on which the work is to be done under the permit. Work authorized by an electrical maintenance permit shall be limited to installations, alterations, extensions and maintenance in or on existing buildings.

2. Within not more than fifteen (15) days following the end of each calendar month, the person, firm or corporation to which an annual permit is issued shall transmit to the Building Official a monthly report of all electrical work which was done for the preceding month and shall obtain a permit for all such work and pay the fees in accordance with the fee schedule adopted by the City Council resolution except the charge for issuance of the permit.

3. The person, firm or corporation to whom an annual maintenance permit is issued shall keep a record of all electrical equipment installed under said permit and the Building Official shall have access to such records.

4. A permit granted to one person, firm or corporation shall not authorize any other person, firm or corporation, except an employee of the permittee, to do any electric wiring.

5. A fee shall be paid to the Building Official in accordance with the fee schedule adopted by City Council resolution, for each annual maintenance electrical permit at the time such permit is issued. Fees for all the work installed under such permit shall be paid at the time of submitting the monthly report.

Every person applying for qualification as maintenance electrician shall pay the Building Official in accordance with the fee schedule adopted by City Council resolution, for examination and qualification, and successfully pass an examination by the Building Official, relative to electrical work. In lieu of examination, possession of a State Electrical Contractor’s License or proof of qualification by another governmental jurisdiction acceptable to the Building Official may be considered as meeting the requirements of this Section. Waiver of examination shall not be considered a waiver of any fee required by this Section. Each annual maintenance electrician permit shall expire on December 31st of each year and shall be renewed within thirty (30) days thereafter upon payment of an annual renewal fee in accordance with the fee schedule adopted by City Council resolution.

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Unless otherwise exempted by this Code, separate plumbing, electrical and mechanical permits will be required for the above exempted items.
Building Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (complying with zoning consistency review and fee).
2. Wooden or chain link fences not over 6 feet high and masonry garden walls less than 3 feet high. (Planning approval is required.)
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III A liquids.
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter does not exceed 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery. (Other Dept. approvals are required, including a temporary use permit.)
9. Prefabricated swimming pool accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18,925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Treehouses, swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of Groups R-3 and U occupancies.
13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Electrical:

1. Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
2. Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.
3. Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

4. Low Voltage Systems: Electrical wiring, devices, appliances, apparatus, or equipment operating at less than 25 volts and not capable of supplying more than 1,200 watts of energy.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with the new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

105.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

105.2.2 Repairs. Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.
105.2.3 Public service agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the department of building safety for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section 106.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant’s authorized agent.
7. Give such other data and information as required by the building official.

105.3.1 Action on application. The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefor.

No building permit or other similar applicable permit bearing on property development or use including additions, modifications, revisions or parking lots shall be issued unless and until the Public Works Director, Zoning Administrator or their designated representatives have reviewed and found same to be in compliance with all applicable Code provisions and/or entitlements.

If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, and the approval as to compliance with all applicable Code provisions and/or entitlements has been secured from the Public Works Director and the Zoning Administrator or their designated representative, the building official shall issue a permit therefor as soon as practicable.

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.
105.4 Validity of permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

105.5 Expiration. Whenever the Building Official determines by inspection that work on any building or structure for which a permit has been issued and the work started thereon has been suspended for a period of 180 days or more, the owner of the property upon which such structure is located or other person or agent in control of said property upon receipt of notice in writing from the Building Division to do so shall within ten (10) days from the date of such written notice obtain a new permit to complete the required work and diligently pursue the work to completion or shall remove or demolish the buildings or structure within one hundred twenty (120) days from date of the written notice. Should a new permit wish to be obtained after a permit has expired, full fees would be required.

105.6 Liens to be discharge. No permit shall be issued to any person or corporation under the provisions of this Chapter in respect to any property where the cost of any building repair or abatement has been confirmed by the Board of Appeals and a lien therefor has been recorded unless and until the amount of said lien with interest, has been paid in full.

105.7 Surrender of permit. If no portion of the work or construction covered by a permit issued by the Building Official under the provisions of this Code has been commenced, the person to whom such permit has been issued may deliver such permit to the Building Official with a request that such permit be canceled. The Building Official shall thereupon stamp, or write on the face of such permit the words, “Canceled at the request of the Permittee.” Thereupon such permit shall be null and void and of no effect.

105.8 Suspension or revocation. The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

105.9 Placement of permit. The building permit or copy shall be kept on the site of the work until the completion of the project.

SECTION 106 CONSTRUCTION DOCUMENTS

106.1 Submittal documents. Construction documents, statement of special inspections and other data shall be submitted in one or more sets with each permit application. The construction documents shall be prepared by a registered design
professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

**Exception**: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

**106.1.1 Information on construction documents.** Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official.

**106.1.1.1 Fire protection system shop drawings.** Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this code and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.

**106.1.2 Means of egress.** The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

**106.1.3 Exterior wall envelope.** Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistant membrane and details around openings.

The construction documents shall include manufacturer’s installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

**106.2 Site plan.** The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction, as well as any known easements on the site, and existing distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be
drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

106.3 Examination of documents. The building official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

106.3.1 Approval of construction documents. When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, as “Reviewed for Code Compliance.” One set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative.

106.3.2 Previous approvals. This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

106.3.3 Phased approval. The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder’s own risk with the building operation and without assurance that a permit for the entire structure will be granted.

106.3.4 Design professional in responsible charge.

106.3.4.1 General. When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.
The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

Where structural observation is required by Section 1710, the statement of special inspections shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur (see also duties specified in Section 1704).

106.3.4.2 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period.

Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the building official.

106.4 Amended construction documents. Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

106.5 Number of construction documents. One set of approved construction documents shall be retained by the building official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

SECTION 107 TEMPORARY STRUCTURES AND USES

107.1 General. The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.

107.2 Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure public health, safety and general welfare.
107.3 Temporary power. The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the California Electrical Code.

107.4 Termination of approval. The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

SECTION 108 PERMIT FEES

108.1 General. A fee for each required permit shall be assessed in accordance with the fee schedule adopted by City Council resolution.

108.2. Plan review fees and expiration. When the valuation of the proposed construction exceeds $500.00 and a plan is ready to be submitted by Subsection 105.3, a plan-checking fee, in an amount set by City Council resolution shall be paid to the City at the time of submitting plans and specifications for checking. When submittal documents are incomplete or changes so as to require additional plan review or when the project involves deferred submittal items, an additional fee shall be assessed in accordance with the fee schedule adopted by City Council resolution.

108.3. Work without permits—Investigation fee. An investigation fee in addition to the permit fee shall be collected whether or not a permit is then or subsequently issued. This fee shall be assessed in accordance with the fee schedule adopted by City Council resolution. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this Code nor from any penalties prescribed by law.

For the purpose of this Section a sanitary plumbing outlet on or to which a plumbing fixture or appliance may be set or attached shall be construed to be a fixture. Fees for reconnection and retest of existing plumbing systems in relocated buildings shall be based on the number of plumbing fixtures, gas systems, water heater, etc., involved.

When interceptor traps or house trailer site traps are installed at the same time as a building sewer on any lot, no sewer permit shall be required for the connection of any such trap to any appropriate inlet fitting provided in the building sewer by the permittee constructing such sewer.

When a permit has been obtained to connect to existing buildings or existing work to the public sewer or to connect to a new private disposal facility, backfilling or private sewage disposal facilities abandoned consequent to such connection is included in the building sewer permit.

108.4. Refunds. Refunds shall be paid in accordance with the refund schedule adopted by City Council resolution.
108.5. Certificate of occupancy fee. A fee for each Certificate of Occupancy or Temporary Certificate of Occupancy shall be assessed in accordance with the fee schedule adopted by City Council Resolution.

SECTION 109 INSPECTIONS

109.1 General. Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

109.2 Preliminary inspection. Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

109.3 Required inspections. The building official, upon notification, shall make the inspections set forth in Sections 109.3.1 through 109.3.10.

109.3.1 Footing and foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

109.3.2 Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

109.3.3 Lowest floor elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 shall be submitted to the building official.

109.3.4 Frame inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, fireblocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.
109.3.5 Lath and gypsum board inspection. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

Exception: Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly.

109.3.6 Fire-resistant penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

109.3.7 Energy efficiency inspections. Inspections shall be made to determine compliance with the California Energy Code and shall include, but not be limited to, inspections for: envelope insulation R and U values, fenestration U value, duct system R value, and HVAC and water-heating equipment efficiency.

109.3.8 Other inspections. In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

109.3.9 Special inspections. For special inspections, see Section 1704.

109.3.10 Final inspection. The final inspection shall be made after all work required by the building permit is completed.

109.4 Inspection agencies. The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

109.5 Inspection requests. It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

109.6 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.
SECTION 110 CERTIFICATE OF OCCUPANCY

110.1 Use and occupancy. No building or structure shall be used or occupied and no change in the existing occupancy classification or change of business ownership or ownership of a building or structure or portion thereof shall be made or until the building official has inspected and issued a certificate of occupancy therefor as provided herein.

Exception No. 1: Group R, Division 3 and Group U Occupancies.

Exception No. 2: Commercial Office Space sublet within an existing office space, approved by a Certificate of Occupancy is exempt from building inspection.

Issuance of a certificate of occupancy shall not be construed as an approval or a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

110.2 Certificate issued. After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the city, and all work has been completed if a permit was issued, the building official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the building official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3.
9. The type of construction as defined in Chapter 6.
10. The design occupant load.
11. If an automatic sprinkler system is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.

110.3 Temporary occupancy. The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.
In the event the building is not completed and ready for final inspection in the time prescribed by the Building Official, the building shall be vacated and the utilities disconnected until such time as the building is completed and final inspection is made and a Certificate of Occupancy is issued.

110.4 Revocation. The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

SECTION 111 SERVICE UTILITIES

111.1 Connection of service utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until released by the building official.

There shall be no clearance for connection of gas or electrical utilities until final building, electrical, plumbing and mechanical inspections have been made and approval has been first obtained from the Building Official, except as provided for in Subsection 110.3 for a temporary Certificate of Occupancy.

111.2 Temporary connection. The building official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

111.3 Authority to disconnect service utilities. The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

SECTION 112 BOARD OF APPEALS

112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.

112.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good
or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

112.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

112.4 Applications, fees and findings. Any person appealing the decision of the Building Official shall file with the Building Official a written application accompanied by a filing fee in accordance with the fee schedule adopted by City Council Resolution at any time not more than 20 days after the decision of the Building Official.

The application shall set forth and include any information as the Building Official may require.

Upon the filing of a verified application, the Building Official shall transmit said application forthwith to the Board of Appeals, and such board shall investigate, examine, review, hear testimony, from and on behalf of the applicant, and shall render their findings and decisions on the matter in writing to the applicant with a duplicate copy to the Building Official within 20 days after the conclusion of its proceedings, the Building Official shall make all findings and decisions freely accessible to the public.

SECTION 113 VIOLATIONS AND PENALTIES

It shall be unlawful for any person, firm, corporation or any other legal entity to erect, construct, enlarge, alter, repair, move, improve, remove, relocate, 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.

A violation of any provision of this code, or of any permit, approved plans and specifications, or any amendment thereto, is a misdemeanor and is punishable by a fine of not to exceed $1,000.00 or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment. Each separate day or any portion thereof, during which any violation of the code occurs or continues, constitutes a new and additional separate offense.

The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be permit for, or an approval of any violation of any of the provisions of this Code. No permit presuming to give authority to violate or cancel the provisions of this Code shall be valid, except insofar as the work or use which it authorizes is lawful. 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.
SECTION 114 STOP WORK ORDER

114.1 Authority. Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official is authorized to issue a stop work order.

114.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner’s agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

114.3 Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

SECTION 115 UNSAFE STRUCTURES AND EQUIPMENT

115.1 Conditions. Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

115.2 Record. The building official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

115.3 Notice. If an unsafe condition is found, the building official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the building official acceptance or rejection of the terms of the order.

115.4 Method of service. Such notice shall be deemed properly served if a copy thereof is: (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service
of such notice in the foregoing manner upon the owner’s agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

115.5 Restoration. The structure or equipment determined to be unsafe by the building official is permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of Section 105.2.2 and Chapter 34.

SECTION 116 CONSTRUCTION TOILETS

116.1 Temporary construction toilets. No person shall commence or proceed with the erection, construction, alteration, repair, raising, adding to, removal or demolition of any building or structure, unless adequate, suitable, sanitary toilet facilities under the control of such person are provided for the use of any person employed or working upon such building or structure. Such toilet facilities shall be located upon or within a reasonable distance of the lot, premises or site upon which such work is being done. In no case shall the line of travel to any toilet facility exceed three hundred feet (300').

116.2 Toilet standards. Every toilet shall be of the water flush type and connected to a public sewer. All toilet structures shall be completely enclosed on four sides and the top and the door shall be self closing; the toilet floor shall be smooth, and screened ventilation shall be provided in toilet compartment. In lieu of flush water closets, approved chemical toilets may be provided.

SECTION 117 SAFETY ASSESSMENT PLACARDS

Sections:
117.1 Intent.
117.2 Application of provisions.
117.3 Definitions.
117.4 Placards.

117.1 Intent. This chapter establishes standard placards to be used to indicate the condition of a structure for continued occupancy. The chapter further authorizes the Building Official and his or her authorized representatives to post the appropriate placard at each entry point to a building or structure upon completion of a safety assessment.

117.2 Application of provisions. The provisions of this chapter are applicable to all buildings and structures of all occupancies regulated by the City of Pico Rivera. The Building Official may extend the provisions as necessary.

117.3 Definitions. Safety assessment is a visual, non-destructive examination of a building or structure for the purpose of determining the condition for continued occupancy.
117.4 Placards.
(a) The following are verbal descriptions of the official jurisdiction placards to be used to designate the condition for continued occupancy of buildings or structures. Copies of actual placards are attached.

(1) **INSPECTED—Lawful Occupancy Permitted** is to be posted on any building or structure wherein no apparent structural hazard has been found. This placard is not intended to mean that there is no damage to the building or structure.

(2) **RESTRICTED USE** is to be posted on each building or structure that has been damaged wherein the damage has resulted in some form of restriction to the continued occupancy. The individual who posts this placard will note in general terms the type of damage encountered and will clearly and concisely note the restrictions on continued occupancy.

(3) **UNSAFE—Do Not Enter or Occupy** is to be posted on each building or structure that has been damaged such that continued occupancy poses a threat to life safety. Buildings or structures posted with this placard shall not be entered under any circumstance except as authorized in writing by the Building Official, or his or her authorized representative. Safety assessment teams shall be authorized to enter these buildings at any time. This placard is not to be used or considered as a demolition order. The individual who posts this placard will note in general terms the type of damage encountered.

(b) This ordinance number, the name of the jurisdiction, its address, and phone number shall be permanently affixed to each placard.
(c) Once it has been attached to a building or structure, a placard is not to be removed, altered or covered until done so by an authorized representative of the Building Official. It shall be unlawful for any person, firm or corporation to alter, remove, cover or deface a placard unless authorized pursuant to this section.

15.08.030 Section 312.1 amended—Swimming pools.

Section 312.1 of the California Building Code is amended to add “swimming pools” to the list of Group U occupancies such that the section reads as follows:

312.1 General. Buildings and structures of an accessory character and miscellaneous structures not classified in any specific occupancy shall be constructed, equipped and maintained to conform to the requirements of this code commensurate with the fire and life hazard incidental to their occupancy. Group U shall include, but not be limited to, the following:

- Agricultural buildings
- Aircraft hangars, accessory to a one- or two-family residence (see Section 412.5 of the California Building Code)
- Barns
- Carports
- Fences more than 6 feet (1,829 mm) high
Grain silos, accessory to a residential occupancy
Greenhouses
Livestock shelters
Private garages
Retaining walls
Sheds
Stables
Tanks
Towers
Swimming pools
(Ord. 1080 § 6, 2013; Ord. 1065 § 4, 2010; Ord. 1039, 2008)

15.08.040 Sections 311.4 and 312.2 added—Garage surfaces.

Section 311.4 is added to read as follows:

In areas where motor vehicles are stored or operated, floor surfaces shall be paved with Portland cement concrete with a minimum compressive strength of 2000 psi or approved equal.

Section 312.2 is added to read as follows:

In areas where motor vehicles are stored or operated, floor surfaces shall be paved with Portland cement concrete with a minimum compressive strength of 2000 psi or approved equal.
(Ord. 1080 § 7, 2013; Ord. 1039, 2008)

15.08.050 Section 312.3 added—Barbed wire and other fences.

Section 312.3 is added to read as follows:

312.3. No barbed wire or other sharp, pointed fence or electrically charged wire shall be erected, constructed or maintained.

Exception: The Building Official may permit properties with rear or side property lines abutting a utility right-of-way to install barbed wire with valid justification.

15.08.060 Sections 403.4.8.3 and 403.4.8.4 amended—Smokeproof enclosures.

Sections 403.4.8.3 and 403.4.8.4 of the California Building Code are modified by moving No. 2, Ventilation and automatic fire detection equipment for smokeproof enclosures, from Section 403.4.8.3 Standby Power Loads and placing it in Section 403.4.8.4 Emergency Power Loads. The revised sections are to read as follows:
403.4.8.3 **Standby power loads.** The following are classified as standby power loads:

1. Power and lighting for the fire command center required by Section 403.4.6;
2. Elevators
3. Where elevators are provided in high-rise buildings for accessible means of egress, fire service access or occupant self-evacuation, the standby power system shall also comply with Sections 1009.4, 3007 or 3008, as applicable.

403.4.8.4 **Emergency power loads.** The following are classified as emergency power loads:

1. Exit signs and means of egress illumination required by Chapter 10;
2. Elevator car lighting;
3. Emergency voice/alarm communications systems;
4. Automatic fire detection systems;
5. Fire alarm systems;
6. Electrically powered fire pumps; and
7. Ventilation and automatic fire detection equipment for smokeproof enclosures.

(Ord. 1080 § 9, 2013; Ord. 1065 § 4, 2010; Ord. 1039, 2008)

15.08.070 Section 501.2 amended—Address identification.

Section 501.2 of the California Building Code shall be amended to read:

**501.2 Address Identification.** New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke of 0.5 inch (12.7 mm) for single family residential structures; 6 inches (105.4 mm) high for multi-family structures; and 12 inches (304.8 mm) high for commercial structures, suite identifiers shall be a minimum of 5 inches (87.83 mm) high and above suite doors or as approved by the local AHJ. Where access is by means of a private road and the building cannot be viewed from a public way, a monument, pole or other acceptable sign or means shall be used to identify the structure.

All commercial buildings shall maintain an address painted on the roof in contrasting colors that measures 3 feet tall with 9-inch (158.9 mm) minimum strokes. The address numbers shall be underlined in order to clarify the correct reading of the address from the air.

15.08.080 Section 412.2 amended—Emergency helicopter landing facilities.

Section 412.2 of the California Building Code is amended by adding a definition for emergency helicopter landing facilities on high-rises which will reference applicable fire code provisions and is to read as follows:
EMERGENCY HELICOPTER LANDING FACILITY (EHLF). A landing area on the roof of a high-rise building that is not intended to function as a helicopter or helistop but is capable of accommodating fire or medical helicopters engaged in emergency operations, in accordance with California Fire Code Section 1107. Federal Aviation Administration (FAA) approval is not required for an EHLF.

(Ord. 1080 § 10, 2013; Ord. 1065 § 4, 2010; Ord. 1039, 2008)

15.08.090 Section 718.3.2 amended—Fire stopping

Section 718.3.2 of the California Building Code is amended by deletion of Exceptions 1 and 2.

(Ord. 1080 § 12, 2013; Ord. 1065 § 4, 2010; Ord. 1039, 2008)

15.08.100 Section 718.3.3 amended—Draftstopping.

Section 718.3.3 of the California Building Code is amended by deletion of Exceptions 1 and 2, add a new exception to read as follows:

Exception: Where an automatic sprinkler system in accordance with Section 903.3.1.1 is installed, the area between draft stops may be 3,000 square feet (279 m²) and the greatest horizontal dimension may be 100 feet (30,480 mm).

(Ord. 1080 § 13, 2013; Ord. 1065 § 4, 2010; Ord. 1039, 2008)

15.08.110 Section 718.4.3 amended—Draftstopping.

Section 718.4.3 of the California Building Code is amended by deletion of Exceptions 1 and 2, add a new exception to read as follows:

Exception: Where an automatic sprinkler system in accordance with Section 903.3.1.1 is installed, the area between draft stops may be 9,000 square feet (836 m²) and the greatest horizontal dimension may be 100 feet (30,480 mm).

(Ord. 1080 § 14, 2013; Ord. 1065 § 4, 2010; Ord. 1039, 2008)

15.08.120 Table 1505.1 amended—Roof coverings.

Table 1505.1 is hereby amended, by the deletion of Table 1505.1 and the addition of a new Table 1505.1 thereto, to read as follows:

<table>
<thead>
<tr>
<th>TABLE 1505.1</th>
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<tbody>
<tr>
<td>MINIMUM ROOF COVERING</td>
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<td>CLASSIFICATIONS</td>
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<td>TYPES OF CONSTRUCTION</td>
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* Unless approved by the building official where Class B roofing is allowed.
15.08.130 Section 1505.1.3 amended—Roof coverings.

Section 1505.1.3 is hereby amended, by the deletion of the entire section and the addition of a new section thereto, to read as follows:

**1505.1.3 Roof coverings within all other areas.** The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class A, unless approved by the building official.

15.08.140 Section 1613.5.2 added—Building seismic separation.

Section 1613.5.2 is added to Chapter 16 to read as follows:

**1613.5.2 Structural Separation.** Modify ASCE 7 Section 12.12.3 Equation 12.12-1 as follows:

\[ \delta_m = \frac{C_d \delta_{max}}{k} \]  

(Equation 12.12-1)

15.08.150 Section 3109.1 amended—Public bodies of water exemption.

Section 3109.1 is amended by adding an exception to read as follows:

**Exception:** Exemption of public bodies of water. Where bodies of water are located on public land within the City of Pico Rivera, this section need not be complied with where it has been determined by the Building Official that dispensing with any or all of the provisions of this section will adequately protect the public health, safety and welfare. This section shall not apply to public bodies of water located on land owned, possessed or under control of the State, County, Municipal or other governmental entities or their lessees or assigns.

15.08.160 Section 3109.4.1.10 added—Prohibited activity.

Section 3109.4.1.10 of Volume 2 of the 2016 California Building Code is added to read as follows:

**3109.4.1.10 Prohibited activity adjacent to pools regulated by this section.** Every person in possession of land within the City of Pico Rivera, either as owner, purchaser under contract, or otherwise, fee holder, lessee, tenant, or licensee, adjacent to land coming within the definition of this section upon which there is located a swimming pool, shall not alter, change or increase the level of the underlying ground in possession of said person and adjacent to any fence or structure required under this section so as to
place the possessor of said land upon which exists a swimming pool, in violation of this section, without a permit to do so from the Building Official. Said permit shall be subject to provisions of this section.

**15.08.170 Section 3109.4.4.1 amended—Private pool definition.**

Section 3109.4.4.1 is amended by adding the following definition:

PRIVATE POOL is any constructed pool or spa, permanent or portable, and over 18 inches deep, which is intended for non-commercial use as a swimming pool by not more than three owner families and their guests.

**15.08.180 Section 3109.4.4.2 amended—Pool enclosures.**

Section 3109.4.4.2 is modified by deleting the first paragraph in its entirety and a new paragraph is substituted to read as follows:

3109.4.4.2 Construction permit; safety features required. Commencing January 1, 1998, except as provided in Section 3109.4.4.5, whenever a construction permit is issued for construction of a new private pool at a residence, it shall have an enclosure complying with Section 3109.4.4.3 and, it shall be equipped with at least one of the following safety features:

**15.08.190 Section 3109.6 added—Pool lighting restriction.**

Section 3109.7 is added to read as follows:

3109.7 Lights. Any lights used to illuminate a swimming pool shall be so arranged and shaded as to reflect light away from any adjoining premises.

**15.08.200 Chapter 36 added—Construction and maintenance of parking areas.**

Add new Chapter 36 to read as follows:

CHAPTER 36

CONSTRUCTION AND MAINTENANCE OF PARKING AREAS

Section 3600

3601. General. The provisions of this Chapter shall apply to the construction and maintenance of all parking areas used or intended to be used for parking of vehicles whether required by Ordinance or not, and including driveways and access to such parking areas.
3602. Definitions. For the purposes of this Chapter, the following definitions apply unless a different meaning is expressly provided elsewhere in this Chapter.

3602.1. Bus is any self-propelled vehicle other than a motor truck or truck tractor, designed for carrying more than nine persons, including the driver, and used or maintained for the transportation of passengers.

3602.2. Motor truck is a self-propelled vehicle designed or maintained primarily for the transportation of property.

3602.3. Parking area is an area or space designed, used or intended to be used for the storage, parking, maintenance, service, driving, repair, display or operation of vehicles and includes areas used or intended to be used for driveway or access to such parking areas from the public right-of-way to such area, but does not include public roads, streets, highways and alleys. Parking area, as herein defined, includes within its definition those areas defined in Section 18.44 of Title 18 of the Pico Rivera Municipal Code pertaining to automobile storage areas and off-street parking spaces as well as the driveway thereof.

3602.4. Passenger vehicle is any self-propelled vehicle other than a motor truck or truck tractor, designed for carrying no more than nine persons including the driver, and used or maintained for the transportation of persons and shall include motor trucks with a gross vehicle rating less than 6,000 pounds.

3602.5. Truck tractor is a self propelled vehicle designed, used or maintained primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and loads so drawn.

3602.6. Vehicle is a device by which any person or property may be propelled, moved or drawn upon a highway, excepting a device moved by human power or used exclusively upon stationary rails or tracks.

3603. Scope. No areas shall be used for the storage, parking, maintenance, service, driving, repair, display or operation of vehicles unless constructed and maintained in accordance with the terms and provisions of this chapter.

Exception: (1) That portion of any land coming within the definitions of parking area in use for such purposes on the effective date of the ordinance enacting this Chapter and which is paved and is being maintained in a safe manner so as not to become a nuisance, may continue in use without meeting the provisions of this Chapter, however, any extension, alteration or reconstruction of such areas in whole or in part shall be subject to the terms and provisions of this Chapter.

Exception: (2) The Public Works Director may authorize temporary parking areas to be used in connection with special events, new construction, or areas to be used for a limited period of time not exceeding six months where construction of permanent facilities in accordance with the standards of this Chapter would be impractical. The
Public Works Director may impose requirements for dust control, temporary paving or such other requirements as may be necessary to accomplish the intent of this Chapter, as conditions pursuant to authorization.

3604. Permit required. No person, firm or corporation shall construct, reconstruct, alter, enlarge or pave any parking area without first obtaining a separate paving permit from the Public Works Director.

Exception: (1) No paving permit shall be required for any paving work within or under a building for which a valid building permit has been issued.

Exception: (2) No paving permit shall be required for paving work serving R-3 Occupancies where the areas to be paved do not exceed 1,000 square feet.

3605. Standards. Parking areas shall be constructed in accordance with the standards for public works contracts heretofore adopted by the City Council, and except as otherwise specifically provided in this Chapter. In the event any provision of this Chapter should be inconsistent in whole or in part with said public works standards, the provisions of this Chapter shall govern to that extent.

3606. Paving required.

3606.1. General. All parking areas shall be surfaced with materials approved by the Public Works Director so as to provide a permanent surface capable of withstanding the type of vehicular traffic to which such area is likely to be subjected.

3607. Covered parking areas. Parking areas within or under a building shall be paved with Portland cement concrete with a minimum compressive strength of 2,000 psi or approved equal.

3608. Open parking areas. Parking areas other than those within a building shall be paved as follows;

3608.1. Areas designed or used for display, operation or parking of motor vehicle shall be paved with Portland Cement concrete, asphaltic concrete or other approved permanent type of paving materials.

3608.2. Areas for parking or storage of vehicles other than motor vehicles and areas where hard-surfaced paving would pose a material hazard to prospective users may be surfaced with an approved less permanent type of surfacing, provided, however, that such surface shall be the equivalent of 1/4" pea gravel, not less than 2" in thickness. Base or subgrade slopes for temporary parking areas shall be the equivalent of 1/4" pea gravel, not less than 2" in thickness. Base or subgrade slopes for temporary parking areas shall be maintained at not less than 1% slope.
3609. Plans. Plans for parking areas shall be submitted to the Public Works Director for checking. Plans shall show sufficient information to enable the Public Works Director to determine their compliance with this Chapter.

Plans shall be drawn to scale and shall show existing and proposed elevations, materials of construction, details of drainage structures, method of disposal of surface water, drainage provisions for protection and drainage of adjoining properties including any necessary easements, quantities of cut or fill necessary to complete the work and any other information deemed necessary by the Public Works Director.

3610. Fees. Fees for paving permits shall be assessed in accordance with the fee schedule adopted by City Council resolution.

3611. Approvals required.

3611.1. No work shall be done on any parking area beyond the point authorized in each successive inspection without first obtaining the approval of the Public Works Director. Such approval shall be given only after an inspection shall have been made of each successive step in the construction as indicated by each of the inspections required by Subsection (b).

3611.2. The Public Works Director, upon notification from the permit holder or his agent; shall make the following inspections of parking areas and shall approve that portion of the construction as completed, or shall notify the permit holder or his agent wherein the same fails to comply with the law.

3611.2.1. Subgrade Inspection to be made when the site has been cleared and is prepared to receive fill material or aggregate base. When no fill operation is to be done, or the fill is minor in nature, subgrade inspection may be waived by the Public Works Director.

3611.2.2. Base Inspection to be made after base or subgrade has been brought to proper grade and alignment for placing of paving materials and after all required curbing and gutters are in place.

3611.2.3. Final Inspection to be made when parking area is complete.

3612. Testing. When there is insufficient evidence of compliance with the provisions of this Chapter or evidence that any material or any construction does not conform to the requirements of this Chapter or in order to substantiate claims for alternate materials or methods of construction, the Public Works Director may require tests as proof of compliance to be made at the expense of the owner of his agency by an approved agency.

3613. Thickness. Pavement thickness shall be determined by the type of traffic it is likely to be subject to and the type of soil at the site. Pavement shall have minimum
thickness of three inches (3") for passenger vehicle parking areas and a minimum thickness of five inches (5") for motor truck, truck tractor or bus parking areas.

**Exceptions**: Thickness of asphalt concrete may be reduced to a minimum thickness of two inches (2") for passenger vehicle traffic and three inches (3") for motor truck, truck tractor, or bus traffic provided an approved aggregate base course is constructed under the asphalt pavement. The minimum thickness of such base course shall be four inches (4").

3614. **Asphalt concrete pavement**. Asphalt concrete pavement shall be of mix Type 1-C 40/50 as set forth in the Standard Specifications for Public Works Construction.

3615. **Portland cement pavement**. Portland Cement concrete used for curbs and gutters and for paving of parking areas outside of buildings shall have a minimum compressive strength of 2,000 psi.

3616. **Preparation of surface to be paved**.

3616.1. Preparation of surfaces to be paved shall be performed in accordance with the Standard Specifications for Public Works construction aforementioned.

3616.2. Soil sterilization shall be used in all areas to be paved with asphalt concrete. Sterilants shall be applied in accordance with manufacturer’s recommendations.

3616.3. Prime Coating: when asphalt concrete pavement is to be placed without providing a base course an asphalt prime coat consisting of SC-70 liquid asphalt shall be applied at a rate of 0.10 and 0.25 gallons per square yard, in accordance with the aforementioned Standard Specifications for Public Works construction, prior to placing of pavement.

3617. **Drainage**. All paved areas shall be sloped to drain. Finished slopes of areas paved with asphalt concrete shall be not less than one percent (1%). Finish slope of areas paved with Portland Cement concrete shall be not less than one-half percent (1/2%). Where Portland Cement concrete gutters are installed to receive drainage from asphalt concrete paved areas, such gutters shall be not less than three feet (3’) in width.

3618. **Storm water disposal**. Paved areas shall be designed to carry surface water to the nearest practical street, storm drain, or natural watercourse approved by the Public Works Director. Concentrated flows of water from parking areas shall not flow by gravity over any public property, but shall be collected in an appropriate manner within the property confines and conducted under the sidewalk in a manner satisfactory to the Public Works Director.

3619. **Maintenance**. All parking areas shall be maintained in a safe and sanitary condition and shall be kept in good repair. Any alteration, enlargement, reconstruction, in whole or in part, other than normal maintenance repairs, shall be pursuant to permit and subject to the provisions of this Chapter. The provisions of Section 116 of the
California Building Code 2016 Edition, as amended, shall apply to parking areas and for the purpose “Building” or “Structure” as used therein shall mean “Parking Area.”

15.08.210 Chapter 37 added—Relocation of buildings.

Add new Chapter 37 to read as follows:

CHAPTER 37

RELOCATION OF BUILDINGS

Section 3700

3701. Scope. No person shall move or relocate any building or structure onto any premises until he first posts a surety bond and secures a building permit as hereinafter provided.

Exception. The provisions of this Chapter shall not apply to moving a contractor’s tool house, construction building or similar structure which is moved as construction requires, onto any premises.

3702. Waiver of bond or permit. Neither a bond nor a deposit need be posted nor made in any case where the Building Official finds that the only relocation involved is that of moving a building temporarily to the regularly occupied business premises of a house mover or that of moving a building to an adjacent property of the same owner or within the confines of a single parcel and that no such security is necessary in order to assure compliance with the requirements of this Chapter.

The Building Official may waive the requirement of bond or deposit when the owner of the property is a governmental agency.

3703. Application. Every application to the Building Official for a relocation building permit shall be in writing upon a form furnished by the Building Official and shall set forth such information as the Building Official may reasonably require in order to carry out the purpose of this Chapter.

3704. Investigation required. In order to determine any of the matters presented by the application, the Building Official may require plans, photographs or other substantiating data, and may cause to be made any investigation which he believes is necessary or helpful. After the investigation is completed, if the applicant fails to post the required bond and secure the relocation building permit within sixty (60) days, the application is null and void.

3705. Application fees. In addition to the building permit fee required, the applicant for a relocation building permit shall pay an application and investigation fee, in accordance with the fee schedule adopted by City Council resolution, to the Building Official for inspection of the building as its present location and investigation of the proposed site.
3706. **Permit fees.** Building permit fees for repairs or alterations to relocated buildings shall be assessed in accordance with the fee schedule adopted by City Council resolution. Valuation for relocated building shall be computed as being not less than seventy-five percent (75%) of the value for new work.

3707. **Issuance of permit.** If the condition of the building or structure in the judgment of the Building Official admits of practicable and effective repair, he may issue a relocation building permit to the owner of the property where the building or structure is to be relocated, upon conditions as hereinafter provided; otherwise the permit shall be denied.

3708. **Condition of permit.** The Building Official, in granting any relocation building permit, may impose thereon such terms and conditions as he may deem reasonable and proper. These terms may include, but are not limited to, the period of time required to complete all work; the requirements of changes, alterations, additions or repairs to be made to or upon the building or structure to the end that such building or structure will comply with all requirements of this Code and all other applicable laws and ordinances.

3709. **Definitions.** Approved surety is a surety company which: (1) is authorized to do business in the State of California; (2) has fulfilled all legal obligations pertaining to dealings involving the City of Pico Rivera Building Laws upon demand of the Building Official; (3) has been approved by the Building Official as a qualified surety company.

3710. **Bond required.** The Building Official shall not issue a relocation building permit unless the owner first posts with the Building Official a bond executed by said owner, as principal, and by an approved surety company authorized to do business in this State, as surety, or deposits a cash bond as hereafter provided.

3711. **Bond requirements.** The surety bond required by this chapter shall:

   (a) Be in form joint and several.
   (b) Name the City of Pico Rivera as obligee.
   (c) Be in an amount equal to the estimated costs, plus 10% of the work required to be done in order to comply with all the conditions of the relocation building permit, such amount to be estimated by the Building Official, but in no case shall said bond be less than $10,000.00.
   (d) State therein the legal description or address of the property upon which the building or structure is to be relocated.

3712. **Bond conditions.** The surety bond shall provide that:

   1. All work required to be done pursuant to the conditions of the relocation building permit shall be performed and completed within the time period as set by the Building Official.
   2. The time limit specified may be extended for good and sufficient cause after written request of the Principal and Surety, either before or after said time
limit has expired. The Building Official shall notify the Principal and Surety in writing of such time extension and may extend the time limit without consent of the surety.

3. The term of such bond posted pursuant to this section shall begin upon the date of the posting thereof and shall end upon the completion to the satisfaction of the Building Official of the performance of all the terms and conditions of the relocation building permit.

4. The Building Official, the Surety or duly authorized representative of either shall have access to the premises described in the relocation building permit for the purpose of inspecting the progress of the work.

5. Upon default by the Principal, the Surety shall be required to perform all conditions set forth in the relocation permit and have the right of entry to the premises to perform such conditions.

6. In the event of any default in the performance of any term or conditions of the relocation building permit, the Surety or any person employed or engaged on its behalf, may go upon the premises to complete the required work to remove or demolish the building or structure, and clear, clean and restore the site.

7. The relocation building permit shall be null and void if the building or structure is not relocated to the proposed site within sixty (60) days after issuance of the permit.

3713. Notice of default. Whenever the Principal on the bond defaults in the performance of the conditions required by the relocation building permit, the Building Official shall give notice in writing to the Principal and the Surety on the bond.

3714. Details of notice. The Building Official in the notice of default shall state the conditions of the bond which have not been complied with and the period of time deemed by him to be reasonably necessary for the completion of such work.

3715. Surety requirements. After a receipt of a notice of default, the Surety, within the time therein specified shall cause the required work to be performed.

3716. Option of demolition. When any default has occurred on the part of the Principal under the provisions of this Chapter, the Surety, as its option, in lieu of completing the work required may remove or demolish the building or structure and clear, clean and restore the site.

3717. Default of cash bond. If a cash bond has been posted the Building Official shall give notice of default, as provided above, to the Principal and if compliance is not met within the time specified, the Building Official shall proceed without delay and without further notice or proceeding whatever, to use the cash deposit or any portion of said deposit to cause the required work to be done by contract or otherwise at his discretion. The balance, if any, of such cash deposit, upon the completion of the work, shall be returned to the depositor or to his successors or assigns after deducting the cost of the work plus 10 percent (10%) thereof.
3718. Return of cash bond. When a cash bond has been posted, and all requirements of relocation building permit have been completed, the Building Official shall return the cash to the depositor or to his successors or assigns except any portion thereof that may have been used or deducted as provided elsewhere in this Chapter.

3719 Right of entry penalties. The owner, his representatives, successor or assigns or any other person who interferes with or obstructs the ingress or egress to or from any such premises, of any authorized representative or agent of any surety of the City of Pico Rivera engaged in the work of completing, demolishing or removing any building or structure for which a relocation building permit has been issued, after a default has occurred in the performance of the terms or conditions thereof, is guilty of a misdemeanor.

3720. Denial or relocation permit. No permit shall be granted hereunder when it has been determined that to move or relocate said building, house, garage or structure would be detrimental to the public peace, health, safety and welfare in that the building is so constructed as to be in a dangerous condition or is infested with pests or is unsanitary or is not fit for human habitation or is so dilapidated, defective or unsightly or in such a condition that its location at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvement within the immediate neighborhood.

15.08.220 Chapter 38 added—Grading and excavation.

Add new Chapter 38 to read as follows:

CHAPTER 38

GRADING AND EXCAVATIONS

SECTION 3800

3801. Purpose. The purpose of this appendix is to safeguard life, limb, property and the public welfare by regulating grading on private property.

3805. Scope. This appendix sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments; establishes the administrative procedure for issuance of permits; and provides for approval of plans and inspection of grading construction, including private streets and all utilities therein.

The standards listed below are recognized standards.

1. Testing.
   1.1 ASTM D 1557, Moisture-density Relations of Soils and Soil Aggregate Mixtures
   1.2 ASTM D 1556, In Place Density of Soils by the Sand Cone Method
   1.3 ASTM D 2167, In Place Density of Soils by the Rubber Balloon Method
1.4 ASTM D 2937, In Place Density of Soils by the Drive Cylinder Method
1.5 ASTM D 2922 and D 3017, In Place Moisture Contact and Density of Soils by Nuclear Methods

The following California section replaces the corresponding model code section for applications specified by law for the Department of Housing and Community Development and the Office of Statewide Health Planning and Development.

3805a. Scope [For HCD 1, OSHPD 1&2]. This chapter sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments, and provides for approval of plans and inspection of grading construction.

SECTION 3806. PERMITS REQUIRED

3806.1 Permits Required. Except as specified in Section 3806.2 of this section, no person shall do any grading without first having obtained a grading permit from the Public Works Director.

3806.2 Exempted Work. A grading permit is not required for the following:

1. When approved by the Public Works Director, grading in an isolated, self-contained area if there is no danger to private or public property.
2. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation or exempt any excavation having an unsupported height greater than 5 feet (1,524 mm) after the completion of such structure.
3. Cemetery graves.
4. Refuse disposal sites controlled by other regulations.
5. Excavations for wells or tunnels or utilities.
6. Mining, quarrying, excavating, processing or stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.
7. Exploratory excavations under the direction of soil engineers or engineering geologists.
8. An excavation that does not exceed 50 cubic yards (38.3 m³) on any one lot and does not obstruct a drainage course and (1) is less than 1 foot (305 mm) in depth or (2) does not create a cut slope greater than 3 feet (915 mm) in height and steeper than 1 unit vertical in 2 units horizontal (30% slope).
9. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to support structures, that does not exceed 50 cubic yards (38.3 m³) on any one lot and does not obstruct a drainage course.
Exemption from the permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of this jurisdiction.

SECTION 3807. HAZARDS. Whenever the Public Works Director determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the Public Works Director, shall within the period specified therein repair or eliminate such excavation or embankment to eliminate the hazard and to be in conformance with the requirements of this code.

SECTION 3808. DEFINITIONS. For the purposes of this appendix, the definitions listed hereunder shall be construed as specified in this section.

APPROVAL shall mean that the proposed work or completed work conforms to this chapter in the opinion of the Public Works Director.

AS-GRADED is the extent of surface conditions on completion of grading.

BEDROCK is in-place solid rock.

BENCH is a relatively level step excavated into earth material on which fill is to be placed.

BORROW is earth material acquired from an off-site location for use in grading on a site.

CIVIL ENGINEER is a professional engineer registered in the state to practice in the field of civil works.

CIVIL ENGINEERING is the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works.

COMPACTION is the densification of a fill by mechanical means.

EARTH MATERIAL is any rock, natural soil or fill or any combination thereof.

ENGINEERING GEOLOGIST is a geologist experienced and knowledgeable in engineering geology.

ENGINEERING GEOLOGY is the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.
EROSION is the wearing away of the ground surface as a result of the movement of wind, water or ice.

EXCAVATION is the mechanical removal of earth material.

FILL is a deposit of earth material placed by artificial means.

GEOTECHNICAL ENGINEER. See soils engineer.

GRADE is the vertical location of the ground surface.

Existing Grade is the grade prior to grading.

Finish Grade is the final grade of the site that conforms to the approved plan.

Rough Grade is the stage at which the grade approximately conforms to the approved plan.

GRADING is any excavating or filling or combination thereof.

KEY is a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

PROFESSIONAL INSPECTION is the inspection required by this code to be performed by the civil engineer, soils engineer or engineering geologist. Such inspections include that performed by persons supervised by such engineers or geologists and shall be sufficient to form an opinion relating to the conduct of the work.

SITE is any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

SLOPE is an inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

SOIL is naturally occurring superficial deposits overlying bedrock.

SOILS ENGINEER (GEOTECHNICAL ENGINEER) is an engineer experienced and knowledgeable in the practice of soils engineering (geotechnical) engineering.

SOILS ENGINEERING (GEOTECHNICAL ENGINEERING) is the application of the principles of soils mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection or testing of the construction thereof.

TERRACE is a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.
SECTION 3809. GRADING PERMIT REQUIREMENTS

3809.1 Permits Required. Except as exempted in Section 3806 of this code, no person shall do any grading without first obtaining a grading permit from the Public Works Director. A separate permit shall be obtained for each site, and may cover both excavations and fills.

3809.2 Application. The provisions of Section 106.3.1 are applicable to grading. Additionally, the application shall state the estimated quantities of work involved.

3809.3 Grading Designation. Grading in excess of 2,500 cubic yards (1,911 m\(^3\)), grading and earthworks construction supporting a major structure as determined by the Public Works Director and grading on known or established flood hazard and/or environmentally sensitive areas, shall be performed in accordance with the approved grading plan prepared by a civil engineer, and shall be designated as “engineered grading.” Grading involving less than 500 cubic yards (1,911 m\(^3\)) shall be designated “regular grading” unless the permittee chooses to have the grading performed as engineered grading, or the Public Works Director determines that special conditions or unusual hazards exist, in which case grading shall conform to the requirements for engineered grading. Regular grading plans shall be prepared and signed by an individual licensed by the state to prepare such plans or specifications unless exempted by the Public Works Director.

3809.4 Engineered Grading Requirements. Application for a grading permit shall be accompanied by two sets of plans and specifications, and supporting data consisting of a soils engineering report and engineering geology report. The plans and specifications shall be prepared and signed by an individual licensed by the state to prepare such plans or specifications when required by the Public Works Director.

Specifications shall contain information covering construction and material requirements. Plans shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give location of the work, the name and address of the owner, and the person by whom they were prepared.

The plans shall include the following information:
1. General vicinity of the proposed site.
2. Property limits and accurate contours of existing ground and details of terrain and area drainage.
3. Limiting dimensions, elevations or finish contours to be achieved by the grading, and proposed drainage channels and related construction.
4. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as a part
of, the proposed work, together with a map showing the drainage area and the estimated runoff of the area served by any drains.

5. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners that are within 15 feet (4,572 mm) of the property or that may be affected by the proposed grading operations.

6. Recommendations included in the soils engineering report and the engineering geology report shall be incorporated in the grading plans or specifications. When approved by the Public Works Director, specific recommendations contained in the soils engineering report and the engineering geology report which are applicable to grading, may be included by reference.

7. The dates of the soils engineering and engineering geology reports together with the names, addresses and phone numbers of the firms or individuals who prepared the reports.

3809.5 Soils Engineering Report. The soils engineering report required by Section 3809.4 shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, including buttress fills, when necessary, and opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.

3809.6 Engineering Geology Report. The engineering geology report required by Section 3809.4 shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors.

3809.7 Liquefaction Study. The Public Works Director may require a geotechnical investigation in accordance with Section 1803A when, during the course of an investigation, all of the following conditions are discovered, the report shall address the potential for liquefaction:

1. Shallow ground water, 50 feet (15,240 mm) or less.
2. Unconsolidated sandy alluvium.
3. Seismic Zones C through F.

3809.8 Regular Grading Requirements. Each application for a grading permit shall be accompanied by a plan in sufficient clarity to indicate the nature and extent of the work. The plans shall give the location of the work, the name of the owner and the name of the person who prepared the plan. The plan shall include the following information:

1. General vicinity of the proposed site.
2. Limiting dimensions and depth of cut and fill.
3. Location of any buildings or structures where work is to be performed, and the location of any buildings or structures within 15 feet (4,572 mm) of the proposed grading.

3809.9 Issuance. The provisions of Section 106.4 are applicable to grading permits. The Public Works Director may require that grading operations and project designs be modified if delays occur which incur weather-generated problems not considered at the time the permit was issued.

The Public Works Director may require professional inspection and testing by the soils engineer. When the Public Works Director has cause to believe that geologic factors may be involved, the grading will be required to conform to engineered grading.

SECTION 3810. GRADING FEES

3810.1. General. Fees shall be addressed in accordance with the provisions of this section.

3810.2. Plan review fees and expiration. When a plan or other data is required by the Public Works Director to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Fee shall be assessed in accordance with the fee schedule adopted by City Council resolution. Applications for which no permit is issued within 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 Public Works Director. The Public Works Director may extend the time for action by the applicant for a period not exceeding 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.

3810.3. Grading permit fees. A fee for each grading permit shall be paid to the Public Works Director. Fee shall be assessed in accordance with the fee schedule adopted by City Council resolution. Separate permits and fees shall apply to retaining walls or major drainage structures as required elsewhere in this code. There shall be no separate charge for standard terrace drains as similar facilities.

3810.4. Investigation fees, work without a permit. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. This fee shall be assessed in accordance with the fee schedule adopted by City Council resolution. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this Code nor from any penalties prescribed by law.
3810.5. **Refunds.** Refunds shall be paid in accordance with the refund schedule adopted by City Council.

**SECTION 3811. BONDS.** The Public Works Director may require bonds in such form and amounts as may be deemed necessary to ensure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions.

In lieu of a surety bond the applicant may file a cash bond or instrument of credit with the Public Works Director in an amount equal to that which would be required in the surety bond.

**SECTION 3812. CUTS**

3812.1 **General.** Unless otherwise recommended in the approved soils engineering or engineering geology report, cuts shall conform to the provisions of this section.

In the absence of an approved soils engineering report, these provisions may be waived for minor cuts not intended to support structures.

3812.2 **Slope.** The slope of cut surfaces shall be no steeper than is safe for the intended use and shall be no steeper than 1 unit vertical in 2 units horizontal (50% slope) unless the permittee furnishes an acceptable soils engineering or an engineering geology report, or both, stating that the site has been investigated and giving an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property.

**SECTION 3813. FILLS**

3813.1 **General.** Unless otherwise recommended in the approved soils engineering report, fills shall conform to the provisions of this section.

In the absence of an approved soils engineering report, these provisions may be waived for minor fills not intended to support structures.

3813.2 **Preparation of Ground.** Fill slopes shall not be constructed on natural slopes steeper than 1 unit vertical in 2 units horizontal (50% slope). The ground surface shall be prepared to receive fill by removing vegetation, non-complying fill, topsoil and other unsuitable materials scarifying to provide a bond with the new fill and, where slopes are steeper than 1 unit vertical in 5 units horizontal (20% slope) and the height is greater than 5 feet (1,524 mm), by benching into sound bedrock or other competent material as determined by the soils engineer. The bench under the toe of a fill on a slope steeper than 1 unit vertical in 5 units horizontal (20% slope) shall be at least 10 feet (3,048 mm) wide. The area beyond the toe of fill shall be sloped for sheet overflow or a paved drain shall be provided. When fill is to be placed over a cut, the bench under the toe of fill shall be at least 10 feet (3,048 mm) wide but the cut shall be made before placing the fill
and acceptance by the soils engineer or engineering geologist or both as a suitable foundation for fill.

3813.3 Fill Material. Detrimental amounts of organic material shall not be permitted in fills. Except as permitted by the Public Works Director, no rock or similar irreducible material with a maximum dimension greater than 12 inches (305 mm) shall be buried or placed in fills.

Exception: The Public Works Director may permit placement of larger rock when the soils engineer properly devises a method of placement, and continuously inspects its placement and approves the fill stability. The following conditions shall also apply:

1. Prior to issuance of the grading permit, potential rock disposal areas shall be delineated on the grading plan.
2. Rock sizes greater than 12 inches (305 mm) in maximum dimension shall be 10 feet (3,048 mm) or more below grade, measured vertically.
3. Rocks shall be placed so as to assure filling of all voids with well-graded soil.

3813.4 Compaction. All fills shall be compacted to a minimum of 90 percent of maximum density.

3813.5 Slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes shall be no steeper than 1 unit vertical in 2 units horizontal (50% slope).

SECTION 3814. SETBACKS

3814.1 General. Cut and fill slopes shall be set back from site boundaries in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary. Setback dimensions shall be as shown in Figure A-38-1.

3814.2 Top of Cut Slope. The top of cut slopes shall not be made nearer to a site boundary line than one fifth of the vertical height of cut with a minimum of 2 feet (610 mm) and need not exceed a maximum of 10 feet (3,048 mm). The setback may need to be increased for any required interceptor drains.

3814.3 Toe of Fill Slope. The toe of fill slope shall be made not nearer to the site boundary line than one half the height of the slope with a minimum of 2 feet (610 mm) and need not exceed a maximum of 20 feet (6,096 mm). Where a fill slope is to be located near the site boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the Public Works Director deems necessary to protect the adjoining property from damage as a result of such grading. These precautions may include but are not limited to:

1. Additional setbacks.
2. Provision for retaining or slough walls.
3. Mechanical or chemical treatment of the fill slope surface to minimize erosion.

3814.4 Modification of Slope Location. The Public Works Director may approve alternate setbacks. The Public Works Director may require an investigation and recommendation by a qualified engineer or engineering geologist to demonstrate that the intent of this section has been satisfied.

SECTION 3815. DRAINAGE AND TERRACING

3815.1 General. Unless otherwise indicated on the approved grading plan, drainage facilities and terracing shall conform to the provisions of this section for cut or fill slopes steeper than 1 unit vertical in 3 units horizontal (33.3% slope).

3815.2 Terrace. Terraces at least 6 feet (1,829 mm) in width shall be established at not more than 30-foot (9,144 mm) vertical intervals on all cut or fill slopes to control surface drainage and debris except that where only one terrace is required, it shall be at mid-height. For cut or fill slopes greater than 60 feet (18,288 mm) and up to 120 feet (36,576 mm) in vertical height, one terrace at approximately mid-height shall be 12 feet (3,658 mm) in width.

Terrace widths and spacing for cut and fill slopes greater than 120 feet (36,576 mm) in height shall be designed by the civil engineer and approved by the Public Works Director. Suitable access shall be provided to permit proper cleaning and maintenance.

Swales or ditches on terraces shall have a minimum gradient of 5 percent and must be paved with reinforced concrete not less than 3 inches (76 mm) in thickness or an approved equal paving. They shall have a minimum depth at the deepest point of 1 foot (305 mm) and a minimum paved width of 5 feet (1,524 mm).

A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet (1,254.2 m²) (projected) without discharging into a down drain.

3815.3 Subsurface Drainage. Cut and fill slopes shall be provided with subsurface drainage as necessary for stability.

3815.4 Disposal. All drainage facilities shall be designed to carry waters to the nearest practicable drainage way approved by the Public Works Director or other appropriate jurisdiction as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of non-erosive down drains or other devices.

Building pads shall have a drainage gradient of 2 percent toward approved drainage facilities, unless waived by the Public Works Director.
Exception: The gradient from the building pad may be 1 percent if all of the following conditions exist throughout the permit area:

1. No proposed fills are greater than 10 feet (3,048 mm) in maximum depth.
2. No proposed finish cut or fill slope faces have a vertical height in excess of 10 feet (3,048 mm).
3. No existing slope faces steeper than 1 unit vertical in 10 units horizontal (10% slope) have a vertical height in excess of 10 feet (3,048 mm).

3815.5 Interceptor Drains. Paved interceptor drains shall be installed along the top of all cut slopes where the tributary drainage area above slopes toward the cut and has a drainage path greater than 40 feet (12,192 mm) measured horizontally. Interceptor drains shall be paved with a minimum of 3 inches (76 mm) of concrete or gunite and reinforced. They shall have a minimum depth of 12 inches (305 mm) and a minimum paved width of 30 inches (762 mm) measured horizontally across the drain. The slope of drain shall be approved by the Public Works Director.

SECTION 3816. EROSION CONTROL

3816.1 Slopes. The faces of cut and fill slopes shall be prepared and maintained to control against erosion. This control may consist of effective planting. The protection for the slopes shall be installed as soon as practicable and prior to calling for final approval. Where cut slopes are not subject to erosion due to the erosion-resistant character of the materials, such protection may be omitted.

3816.2 Other Devices. Where necessary, check dams, cribbing, riprap or other devices or methods shall be employed to control erosion and provide safety.

SECTION 3817. GRADING INSPECTION

3817.1 General. Grading operations for which a permit is required shall be subject to inspection by the Public Works Director.

Professional inspection of grading operations shall be provided by the civil engineer, soils engineer and the engineering geologist retained to provide such services in accordance with Section 3817.5 for engineered grading and as required by the Public Works Director for regular grading.

3817.2 Civil Engineer. The civil engineer shall provide professional inspection within such engineer’s area of technical specialty, which shall consist of observation and review as to the establishment of line, grade and surface drainage of the development area. If revised plans are required during the course of the work they shall be prepared by the civil engineer.

3817.3 Soils Engineer. The soils engineer shall provide professional inspection within such engineer's area of technical specialty, which shall include observation during
grading and testing for required compaction. The soils engineer shall provide sufficient
observation during the preparation of the natural ground and placement and compaction
of the fill to verify that such work is being performed in accordance with the conditions of
the approved plan and the appropriate requirements of this chapter. Revised
recommendations relating to conditions differing from the approved soils engineering
and engineering geology reports shall be submitted to the permittee, the Public Works
Director and the civil engineer.

3817.4 Engineering Geologist. The engineering geologist shall provide professional
inspection within such engineer’s area of technical specialty, which shall include
professional inspection of the bedrock excavation to determine if conditions
encountered are in conformance with the approved report. Revised recommendations
relating to conditions differing from the approved engineering geology report shall be
submitted to the soils engineer.

3817.5 Permittee. The permittee shall be responsible for the work to be performed in
accordance with the approved plans and specifications and in conformance with the
provisions of this code, and the permittee shall engage consultants, if required, to
provide professional inspections on a timely basis. The permittee shall act as a
coordinator between the consultants, the contractor and the Public Works Director. In
the event of changed conditions, the permittee shall be responsible for informing the
Public Works Director of such change and shall provide revised plans for approval.

3817.6 Public Works Director. The Public Works Director shall inspect the project at
the various stages of work requiring approval to determine that adequate control is
being exercised by the professional consultants.

3817.7 Notification of Noncompliance. If, in the course of fulfilling their respective
duties under this chapter, the civil engineer, the soils engineer or the engineering
geologist finds that the work is not being done in conformance with this chapter or the
approved grading plans, the discrepancies shall be reported immediately in writing to
the permittee and to the Public Works Director.

3817.8 Transfer of Responsibility. If the civil engineer, the soils engineer, or the
engineering geologist of record is changed during grading, the work shall be stopped
until the replacement has agreed in writing to accept their responsibility within the area
of technical competence for approval upon completion of the work. It shall be the duty of
the permittee to notify the Public Works Director in writing of such change prior to the
recommencement of such grading.

SECTION 3818. COMPLETION OF WORK

3818.1 Final Reports. Upon completion of the rough grading work and at the final
completion of the work, the following reports and drawings and supplements thereto are
required for engineered grading or when professional inspection is performed for regular
grading, as applicable.
1. An as-built grading plan prepared by the civil engineer retained to provide such services in accordance with Section 3817.5 showing original ground surface elevations, as-graded ground surface elevations, lot drainage patterns, and the locations and elevations of surface drainage facilities and of the outlets of subsurface drains. As-constructed locations, elevations and details of subsurface drains shall be shown as reported by the soils engineer.

Civil engineers shall state that to the best of their knowledge the work within their area of responsibility was done in accordance with the final approved grading plan.

2. A report prepared by the soils engineer retained to provide such services in accordance with Section 3817.3, including locations and elevations of field density tests, summaries of field and laboratory tests, other substantiating data, and comments on any changes made during grading and their effect on the recommendations made in the approved soils engineering investigation report. Soils engineers shall submit a statement that, to the best of their knowledge, the work within their area of responsibilities is in accordance with the approved soils engineering report and applicable provisions of this chapter.

3. A report prepared by the engineering geologist retained to provide such services in accordance with Section 3817.5, including a final description of the geology of the site and any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan. Engineering geologists shall submit a statement that, to the best of their knowledge, the work within their area of responsibility is in accordance with the approved engineering geologist report and applicable provisions of this chapter.

4. The grading contractor shall submit in a form prescribed by the Public Works Director a statement of conformance to said as-built plan and the specifications.

3818.2 Notification of Completion. The permittee shall notify the Public Works Director when the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion-control measures have been completed in accordance with the final approved grading plan, and the required reports have been submitted.
15.08.230 Appendix I, Section 1101.1 amended—Patio enclosures.

Section 1101.1 of Appendix I is deleted in its entirety and a new section is added to read as follows:

1101.1 General. Patio covers shall be permitted to be detached from or attached to dwelling units. Patio covers shall be used only for recreational, outdoor living purposes and not as carports, garages, storage rooms or habitable rooms. Openings shall be permitted to be enclosed with insect screening, readily removable approved translucent or transparent plastic not more than 0.125 inch (3.2 mm) in thickness or readily removable glass conforming to the provisions of Chapter 24. Dual glazed windows are not permitted to be installed in patio cover enclosures constructed under the provisions of this appendix.

SECTION 4. Chapter 15.10 of Title 15 of the Pico Rivera Municipal Code is hereby repealed in its entirety, and a new Chapter 15.10 of Title 15 is hereby added in place thereof to read as follows:

Chapter 15.10 Residential Code

15.10.010 Adoption.
15.10.020 Chapter 1, Division II, Section R102.1 amended.
15.10.030 Chapter 1, Division II, Sections R105.2 and R105.3.2 amended.
15.10.040 Chapter 1, Division II, Section R108.5 amended.
15.10.050 Chapter 1, Division II, Section R108.6 amended.
15.10.060 Chapter 2, Section R202 amended.
15.10.070 Chapter 3, Section R313.2 amended.
15.10.080 Chapter 4, Section R403.1.3.6 amended.
15.10.090 Chapter 9, Sections R902.1 and R908.3.1 amended.
15.10.100 Appendix G deleted.
15.10.110 California Building Code Title 24, Part 2, Chapter 31, Section 3109.4.1 amended.
15.10.010 Adoption.

The 2016 California Residential Standards Code, Part 2.5, including Appendix H and Appendix K, known as the California Residential Code, as published and adopted by the California Building Standards Commission, including amendments, is hereby adopted by reference and incorporated herein as if fully set forth.

15.10.020 Chapter 1, Division II, Section R102.1 amended.

Section R102.1 is amended to read:

**R102.1 General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where in any specific case different sections of the code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where in any specific case the California Residential Code does not have a provision that is included in the California Building Code that would be applicable due to the type or method or construction, the California Building Code provisions will apply.

15.10.030 Chapter 1, Division II, Sections R105.2 and R105.3.2 amended.

Section R105.2, Item No. 7, is amended to read:

7. Swimming pools that are less than 18 inches deep.

Section R105.3.2 is amended to read:

**R105.3.2 Time limitation of application.** An application for a permit for any proposed work shall be deemed to have been abandoned one hundred eighty days after the date of filing unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not to exceed 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

15.10.040 Chapter 1, Division II, Section R108.5 amended.

Section R108.5 is amended to read:

**R108.5 Refunds.** Refunds for permit when no work has commenced shall be limited to the permit cost minus a fee equal to all services provided including refund processing.

15.10.050 Chapter 1, Division II, Section R108.6 amended.

Section R108.6 is amended to read:
R108.6 Work commencing before permit issuance. Any person who commences work that requires a permit on a building, electrical, mechanical, or plumbing system before obtaining the necessary permits shall be subject to the cost of the required permit plus an investigation fee or a fee equal to the expenditures for the complaint investigation, whichever is greater at the discretion of the building official.

15.10.060 Chapter 2, Section R202 amended.

Section R202 is amended to add this definition:

R202 Reconstruction. If the value of reconstruction (or renovation) of a building is equal to or exceeds 75 percent of the value of the building immediately prior to such reconstruction, the entire building shall comply with the code provisions for new construction. The value of reconstruction (or renovation) for a property shall include the value of all construction stemming from construction related permits issued within the last two years. The Value shall be determined by using the city adopted building valuation table.

15.10.070 Chapter 3, 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.

Exception: An automatic residential fire sprinkler system shall not be required for additions or alterations to existing building that are not already provided with an automatic residential sprinkler system. Detached R occupancy buildings accessory to a single or two-family building intended for intermittent use and less than 500 square feet will not require fire sprinkler protection.

15.10.080 Chapter 4, Section R403.1.3.6 amended.

Section R403.1.3.6 is amended to read:

R403.1.3.6 Isolated concrete footings. In detached one- and two- family dwellings that are three stories or less in height and constructed with stud bearing walls, isolated plain concrete footings supporting columns or pedestals are not permitted.

15.10.090 Chapter 9, Sections R902.1 and R908.3.1 amended.

Section R902.1 is amended to read:

R902.1 Roofing 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. Class A or B roofing required by this section to be listed shall be tested in accordance with UL 790 or ASTM E 108.
Exceptions:

1. Class A roof assemblies include those with coverings of brick, masonry, and exposed concrete roof deck.
2. Class A roof assemblies also include ferrous or copper shingles or sheets, metal sheets and shingles, clay or concrete roof tile, or slate installed on noncombustible decks.

Wood roof coverings are prohibited with the following exception:

Re-roofing of less than 10% or the total roof area of existing wood roof covering in four years may be done with fire-retardant shakes or shingles.

Section R908.3.1 of the California Residential Code is amended by deletion of Exception 3.

15.10.100 Appendix G deleted.

Appendix G is deleted and all references are to be taken from Chapter 31 of the 2016 California Building Code.

15.10.110 California Building Code Title 24, Part 2, Chapter 31, Section 3109.4.1 amended.

Section 3109.4.1 is amended to read:

3109.4.1 Barrier height and clearances. The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier that faces away from the swimming pool. The maximum barrier clearance between grade and the bottom of the barrier shall be 2 inches measured on the side of the barrier that faces away from the swimming pool. Where the top of the pool structure is above grade, the barrier is authorized to be at ground level of mounted on top of the pool structure, and the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches.

SECTION 5. Chapter 15.20 of Title 15 of the Pico Rivera Municipal Code is hereby repealed in its entirety.

SECTION 6. Chapter 15.24 of Title 15 of the Pico Rivera Municipal Code is hereby modified as delineated:

Chapter 15.24 Mechanical Code

15.24.020 Chapter 1—General code provisions.

A. The city council of the city of Pico Rivera hereby adopts the 2013 2016 Edition of the California Mechanical Code based on the 2012 2015 Edition of the Uniform Mechanical Code, as published by the International Association of Plumbing and Mechanical Officials, as Chapter 15.24 of Title 15 of this code, except such portions as are deleted, modified, or amended as set forth in this chapter. Said code is adopted and incorporated as if fully set forth herein.

B. The purpose of this code is to prescribe regulations for the protection of the public health and safety and to establish minimum regulations for the installation, alteration, design, construction, quality of materials, location, operation, and maintenance of heating, ventilating, comfort cooling, refrigeration systems, incinerators and other miscellaneous heat-producing appliances within the city. (Ord. 1080 § 32, 2013; Ord. 1065 § 4, 2010; Ord. 1039, 2008)

State law references: Adoption by reference, Government Code Section 50022.1 et seq.

15.24.020 Chapter 1—General code provisions.

Chapter 1 of the 2013 2016 California Mechanical Code is hereby deleted and replaced by the following:

101 Administrative Provisions. For administrative provisions for this code, see Section 15.08.020. (Ord. 1080 § 32, 2013; Ord. 1065 § 4, 2010; Ord. 1039, 2008)

SECTION 7. Chapter 15.28 of Title 15 of the Pico Rivera Municipal Code is hereby modified as delineated:

Chapter 15.28 Electrical Code

15.28.020 Article 89—General code provisions.
15.28.030 Article 310.2(B) amended.
15.28.040 Article 310 amended.


The California Electrical Code, 2013 2016 Edition, is hereby adopted as Chapter 15.28 of Title 15 of this code, with amendments and additions as set forth in this chapter.

A. The city council of the city of Pico Rivera hereby adopts the 2013 2016 Edition of the California Electrical Code based on the 2014 2014 Edition of the National Electrical Code, as published by the National Fire Protection Association, as Chapter 15.28 of Title 15 of this code, except such portions as are deleted, modified, or amended as set forth in this chapter. Said code is adopted and incorporated as if fully set forth herein.
B. The purpose of the code is to prescribe regulations for the installation, arrangement, alteration, repair, use and other operation of electrical wiring, connections, fixtures and other electrical appliances on premises within the city. (Ord. 1080 § 33, 2013; Ord. 1065 § 4, 2010; Ord. 1039, 2008)

State law references: Adoption by reference, Government Code Section 50022.1 et seq.

15.28.020 Article 89—General code provisions.

Article 89 of the 2013 2016 California Electrical Code is hereby deleted and replaced by the following:

Article 89 Administrative Provisions. For administrative provisions for this code, see Section 15.08.020. (Ord. 1080 § 33, 2013; Ord. 1039, 2008)

15.28.030 Article 310.2(B)10 amended.

Article 310.2(B)10 is hereby amended, by the addition of a second paragraph, to read as follows:

Copper wire shall be used for wiring No. 6 and smaller in all installations. Consideration for use of aluminum wiring can be made by the Building Official for feeder lines only on an individual basis where adequate safety measures can be ensured. (Ord. 1065 § 4, 2010; Ord. 1039, 2008)

15.28.040 Article 310 amended.

Article 310 is amended, by addition of a new Article 310.16, to read as follows:

310-16 Continuous inspection of aluminum wiring. Aluminum conductors of No. six (6) or smaller used for branch circuits shall require continuous inspection by an independent testing agency approved by the Building Official for proper torqueing of connections at their termination point. (Ord. 1039, 2008)

SECTION 8.

Chapter 15.32 of Title 15 of the Pico Rivera Municipal Code is hereby modified as delineated:

Chapter 15.32 Plumbing Code

15.32.010 Document adopted by reference.

15.32.020 Chapter 1—General code provisions.

15.32.010 Document adopted by reference.

Officials, as Chapter 15.32 of Title 15 of this code, except such portions as are deleted, modified, or amended as set forth in this chapter. Said code is adopted and incorporated as if fully set forth herein.

B. The purpose of this code is to prescribe regulations for the protection of the public health and safety and to establish minimum regulations for the erection, installation, alteration, repair, relocation, replacement, maintenance or use of plumbing systems within the city. (Ord. 1080 § 34, 2013; Ord. 1065 § 4, 2010; Ord. 1039, 2008)

State law references: Adoption by reference, Government Code Section 50022.1 et seq.

15.32.020 Chapter 1—General code provisions.

Chapter 1 of the 2013 California Plumbing Code is hereby deleted and replaced by the following:

**101 Administrative Provisions.** For administrative provisions for this code, see Section 15.08.020. (Ord. 1080 § 34, 2013; Ord. 1065 § 4, 2010; Ord. 1039, 2008)

SECTION 9. Chapter 15.34 of Title 15 of the Pico Rivera Municipal Code is hereby modified as delineated:

Chapter 15.34 Green Building Standards Code

**15.34.010 Adoption.**


SECTION 10. Chapter 15.35 of Title 15 of the Pico Rivera Municipal Code is hereby modified as delineated:

Chapter 15.35 Energy Code

**15.35.010 Adoption.**

SECTION 11. Chapter 15.36 of Title 15 of the Pico Rivera Municipal Code is hereby repealed in its entirety.

SECTION 12. Chapter 15.37 of Title 15 of the Pico Rivera Municipal Code is hereby modified as delineated:

Chapter 15.37 Historical Building Code

15.37.010 Adoption.

15.37.010 Adoption.

The 2013 2016 California Building Standards Code, Part 8, California Historical Building Code, as published and adopted by the California Building Standards Commission, is adopted by reference and incorporated herein as if fully set forth in this chapter. (Ord. 1080 § 37, 2013; Ord. 1065 § 3, 2010)

SECTION 13. Chapter 15.38 of Title 15 of the Pico Rivera Municipal Code is hereby modified as delineated:

Chapter 15.38 Existing Building Code


15.38.020 Chapter 1—General code provisions.


A. The City Council of the City of Pico Rivera hereby adopts the 2013 2016 Edition of the California Existing Building Code based on the 2012 2015 Edition of the International Existing Building Code, as published by the International Code Council, as Chapter 15.38 of Title 15 of this code, except such portions as are deleted, modified, or amended as set forth in this chapter. Said code is adopted and incorporated as if fully set forth herein.

B. The purpose of this code is to prescribe regulations for the protection of the public health and safety and to establish minimum regulations for reducing the risk of death or injury that may result from the effects of earthquakes on existing unreinforced masonry bearing wall buildings within the city. (Ord. 1080 § 38, 2013; Ord. 1065 § 4, 2010; Ord. 1039, 2008) establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, access to persons with disabilities, sanitation, adequate lighting and ventilation and energy conservation; safety to life and property from fire and other hazards attributed to the built environment; and to provide safety to fire fighters and emergency responders during emergency operations.
**State law references:** Adoption by reference, Government Code Section 50022.1 et seq.

15.38.020 Chapter 1—General code provisions.

Section A90 is added to Chapter 1 of the 2013 2016 Edition of the California Existing Building Code to read as follows is hereby deleted and replaced by the following:

A90 101 Administrative Provisions. For administrative provisions for this code, see Section 15.08.020.

(Ord. 1080 § 38, 2013; Ord. 1065 § 4, 2010; Ord. 1039, 2008)

**SECTION 14.** Chapter 15.42 of Title 15 of the Pico Rivera Municipal Code is hereby modified as delineated:

Chapter 15.42 Referenced Standards Code

15.42.010 Adoption.

15.42.010 Adoption.


**SECTION 15.** Chapter 15.44 of Title 15 of the Pico Rivera Municipal Code is hereby repealed in its entirety, and a new Chapter 15.44 of Title 15 is hereby added in place thereof to read as follows:

Chapter 15.44 Fire Code

15.44.010 Document adopted by reference.

15.44.010 Document adopted by reference.


B. The same shall hereafter constitute the Fire Code of the city regulating the safeguarding of life, property and public welfare to a reasonable degree from the hazards of fire and explosion arising from the storage, use and handling of dangerous and hazardous materials, substances and devices; the operation, installation, construction, location, safeguarding and maintenance of attendant equipment within the jurisdiction of the Los Angeles County Fire Department, and providing for the issuance
of permits and the collection of fees therefor, and providing penalties for the violation of such code.

C. At least two copies of the Los Angeles County Fire Code shall be kept on file in the office of the building official and shall be maintained by the building official for use and examination by the public.

D. In the event of any conflict or ambiguity between any provision contained in the Fire Code and any amendments or additions thereto contained in this chapter, the amendments or additions thereto shall control.

E. In the event of any conflict or ambiguity between any provision contained in the Fire Code and any other provisions of the Pico Rivera Municipal Code, the provisions of the Pico Rivera Municipal Code shall control.

SECTION 16. The City Council hereby declares that it would have passed this Ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that the provisions of this Ordinance are severable, and if, for any reason, any sentence, paragraph or section of this ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

SECTION 17. No person shall violate any provision, or fail to comply with any of the requirements of this ordinance, and any person violating any provision, or failing to comply with any provision of this ordinance is guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this ordinance shall be punished by a fine of not more than $1,000.00, or by imprisonment in the City or County Jail for a period not exceeding one year, or by both such fine and imprisonment.

SECTION 18. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published or posted as prescribed by law. This Ordinance shall take effect January 1, 2017.

[Signatures on next page.]
APPROVED and ADOPTED this _____day of ________________, 2016.

________________________________
Anna M. Jerome, City Clerk

________________________________
David W. Armenta, Mayor

ATTEST:                            APPROVED AS TO FORM:

________________________________
Arnold Alvarez-Glasman, City Attorney

AYES:
NOES:
ABSENT:
ABSTAIN:
RESOLUTION NO. ___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, SETTING FORTH FINDINGS FOR REQUIRED AMENDMENTS TO THE 2016 CALIFORNIA BUILDING STANDARDS CODES RELATIVE TO LOCAL CLIMATIC, TOPOGRAPHIC AND GEOLOGIC CONDITIONS

WHEREAS, Health and Safety Code Section 17958 provides that the City of Pico Rivera shall adopt Ordinances and regulations imposing the same or modified requirements as are contained in the Building Standards Code adopted by the state pursuant to Health and Safety Code Section 17922; and

WHEREAS, the State of California is mandated by Health and Safety Code Section 17922 to impose substantially the same requirements as are contained in the most recent edition of the Uniform Housing Code, the Uniform Building Code, the Uniform Plumbing Code, the Uniform Mechanical Code, the National Electrical Code and the Uniform Code for Building Conservation of the International Conference of Building Officials (hereinafter referred to collectively as “Codes”); and

WHEREAS, the State of California allows local jurisdictions to adopt the provisions of the California Building Standard Codes with local amendments in accordance with Health and Safety Code Sections 17922, 17958, 17958.5, 17958.7 and 18941(b) where necessary to reasonably address adverse local conditions and protect the health, wealth and safety of citizens of Pico Rivera because of local climate, geology, and/or topography; and

WHEREAS, Health and Safety Code Section 17958.7 requires that the City Council, before making any modifications or changes to the Codes, shall make an express finding that such changes or modifications are reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, the City Building and Safety Division has recommended that changes and modifications be made to the Codes and has advised that certain of said changes and modifications to the California Codes are reasonably necessary due to local conditions in the City of Pico Rivera. The City Building and Safety Division has further advised that the remainder of said changes and modifications are of an administrative or procedural nature, or concern themselves with subjects not covered by the Codes or are reasonably necessary to safeguard life and property within the City of Pico Rivera; and

WHEREAS, the City Council finds that the local climate consists of hot and dry conditions during the summer months creating severe fire hazard areas that warrant enhanced construction provisions for fire safety; and

WHEREAS, the City Council finds that the local topography has heavily landscaped surroundings and access for fire or rescue response and staging for firefighting are made difficult due to the terrain; and
WHEREAS, the City Council finds that the Southern California Region which includes the City, is within a very active seismic area where the local geology is located near active earthquake faults and subject to liquefaction presenting a significant earthquake risk that warrants enhanced design and construction provisions for seismic safety; and

WHEREAS, the City Council finds that there is a need to keep the existing local amendments and modify or add certain administrative provisions to its Title 15 in order to effectively regulate and enforce building and construction as provided in the 2016 California Building Standards Codes; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PICO RIVERA FINDS AND RESolves AS FoLLoWS:

SECTION 1. Amendments related to life and fire safety contained in Sections 403.4.8.3, 403.4.8.4, 412.2, 718.3.2, 718.3.3, 718.4.3, Table 1505.1, 1505.1.3 and 1613.5.2 of the 2016 Edition of the California Building Code, and Sections 403.1.3.6, 902.1 and 908.3.1 of the 2016 Edition of the California Residential Code, as recommended by the Building Division are hereby found to be reasonably necessary due to the following local conditions:

A. Climatic Conditions

1. Hot, dry Santa Ana winds are common to all areas within the City of Pico Rivera. These winds, which can cause small fires to spread quickly, are a contributing factor to the high fire danger in the area, and create the need for an increased level of fire protection. This added protection will supplement normal fire department response availability and provide immediate protection for life and safety of multiple occupants during fire occurrences.

2. The City of Pico Rivera is located in a semi-arid Mediterranean type climate which predisposes all fuels, including wood shingles, to rapid ignition and spread of fire. Therefore, there exists a need for additional fire protection measures.

B. Geologic Conditions

1. The City of Pico Rivera is located in a highly active seismic area. There are earthquake faults that run along both the northeastern boundaries of Orange County and the southwestern boundaries of Los Angeles County. The Newport-Inglewood Fault Zone (NIFZ) which runs through Orange County was the source of the destructive 1933 Long Beach earthquake (6.3 magnitude, hypocenter off Newport Beach coast), which took 120 lives, with areas damaged from Laguna Beach to Marina Del Rey and inland to Whittier, and poses one of the greatest hazards to lives and property in the nation. Regional planning for
reoccurrence is recommended by the State of California, Department of Conservation. On October 1st, 1987 the area experienced the Whittier Narrows earthquake with a magnitude of 5.9. There was also an earthquake in December 1989, with the epicenter located near the City of Irvine. The fault on which this quake occurred was unknown prior to this activity. The October 17, 1989 Santa Cruz earthquake resulted in only one major San Francisco fire in the Marina district, but when combined with the 34 other fires and over 500 responses the department was taxed to its full capabilities. The Marina fire was difficult to contain because mains supplying water to the district burst during the earthquake. If more fire had been ignited by the earthquake, it would have been difficult for the fire department to contain them. Structures within the city also experienced damages from the March 16th, 2010 earthquake centered in Pico Rivera. Experts predict a major earthquake in our area within the next 50 years. This situation creates the need for both additional fire protection measures and automatic on-site fire protection for building occupants since a multitude of fires may result from breakage of gas and electric lines as a result of an earthquake. As noted by “Planning Scenario on a Major Earthquake on the Newport-Inglewood Fault Zone, 1988, State Department of Conservation,” page 59, “unfortunately, barely meeting the minimum earthquake standards of building codes places a building on the verge of being legally unsafe”.

2. Traffic and circulation due to narrow and twisting roads and access-ways presently existing in the City of Pico Rivera often places fire department response time to fire occurrences at risk. This condition will be exacerbated by any major disaster, including any earthquake wherein damage to the highway system will occur. This condition makes the need for additional on-site protection for property occupants necessary.

3. Placement of multiple occupancy buildings, location of arterial roads, and fire department staffing constraints due to revenue-limiting state legislation have made it difficult for the fire department to locate additional fire stations and provide manpower sufficient to concentrate fire companies and personnel to control fires in high density apartment or condominium buildings. Fire department equipment does not allow easy access to areas of buildings greater than 55 feet above the level of Fire Department vehicle access. These conditions create the need for built-in on-site fire protection systems to protect occupants and property until firefighting apparatus and personnel arrive on the scene.

The City of Pico Rivera is located in an area subject to a climatic condition of high winds and low humidity. This combination of events creates and environment, which is conducive to rapidly spreading fires. Control of such fires requires rapid response. Obstacles generated by
a strong wind, such as fallen trees, street lights and utility poles, and the requirement to climb 35 feet vertically up flights of stairs will greatly impact the response time to reach an incident scene. Additionally, Section 6, Figures 6-2 of ASCE 7 identifies a significant increase in the amount of wind force at 40 feet above the ground. Use of aerial type firefighting apparatus above this height would place rescue personnel at increased risk of injury.

The City of Pico Rivera is located in the middle of the seismically active area. A severe seismic event has the potential to negatively impact any rescue or fire suppression activities because it is likely to create obstacles similar to those indicated under the high wind section above. With the probability of strong aftershocks there exists a need to provide increased protection for anyone on upper floors.

4. Untreated wood roofs cause or contribute to serious fire hazard and to the rapid spread of fires when such fires are accompanied by high winds. Pieces of burning wooden roofs become flying brands and are carried by the wind to other locations and thereby spread fire quickly. Recent Grand Jury Report findings support this concern.

C. Topographical Conditions

1. The City of Pico Rivera has heavily landscaped surroundings. Access for fire or rescue response and staging for firefighting are made difficult due to the terrain.

Additional amendments have been made to the Codes. On the recommendation of the Building Division, such amendments are hereby found to be either administrative or procedural in nature or concern themselves with subjects not covered in such Codes. The changes made include provisions making each of said Codes compatible with other Codes enforced by the City.

SECTION 2. Amendments to the 2016 California Building Standards Codes are found reasonably necessary based on the climatic and/or geologic conditions cited in Section 1 of this resolution and are listed as follows:

<table>
<thead>
<tr>
<th>Code Section</th>
<th>Findings in Section 1</th>
</tr>
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<tbody>
<tr>
<td>CBC 403.4.8.3, 403.4.8.4, 718.3.2, 718.3.3, 718.4.3</td>
<td>A-1, B-2, B-3</td>
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<tr>
<td>CBC 412.2</td>
<td>B-1, B-2, B-3</td>
</tr>
<tr>
<td>CBC Table 1505.1, 1505.1.3, CRC 902.1, 908.3.1</td>
<td>A-1, A-2, B-2, B-4</td>
</tr>
<tr>
<td>CBC 1613.5.2, CRC 403.1.3.6</td>
<td>B-1</td>
</tr>
</tbody>
</table>
The aforementioned amendments have been incorporated in detail in Ordinance No. ____.

SECTION 3. The Building Division shall file copies of Resolution No. ____ and Ordinance No. ____ with the California Building Standards Commission and the Department of Housing and Community Development as required by Health and Safety Code Section 17958.7.

SECTION 4. The City Council does hereby resolve the aforementioned changes to the Codes are necessary because of local climatic, geological, topographical, administrative or procedural conditions and are necessary to reasonably safeguard life and property within the City of Pico Rivera.

SECTION 5. The City Clerk shall attest to the passage of this resolution and it shall be in full force and effect.

APPROVED AND ADOPTED this _____ day of ______________, 2016.

________________________________
David W. Armenta, Mayor

ATTEST:                APPROVED AS TO FORM:

________________________________
Anna M. Jerome, City Clerk  Arnold Alvarez-Glasman, City Attorney

AYES:                      NOES:                      ABSENT:                      ABSTAIN:
HEALTH AND SAFETY CODE
SECTION 17920-17928

17920. As used in this part:
(a) "Approved" means acceptable to the department.
(b) "Building" means a structure subject to this part.
(c) "Building standard" means building standard as defined in Section 18909.
(d) "Department" means the Department of Housing and Community Development.
(e) "Enforcement" means diligent effort to secure compliance, including review of plans and permit applications, response to complaints, citation of violations, and other legal process. Except as otherwise provided in this part, "enforcement" may, but need not, include inspections of existing buildings on which no complaint or permit application has been filed, and effort to secure compliance as to these existing buildings.
(f) "Fire protection district" means any special district, or any other municipal or public corporation or district, which is authorized by law to provide fire protection and prevention services.
(g) "Labeled" means equipment or materials to which has been attached a label, symbol, or other identifying mark of an organization, approved by the department, that maintains a periodic inspection program of production of labeled products, installations, equipment, or materials and by whose labeling the manufacturer indicates compliance with appropriate standards or performance in a specified manner.
(h) "Listed" means all products that appear in a list published by an approved testing or listing agency.
(i) "Listing agency" means an agency approved by the department that is in the business of listing and labeling products, materials, equipment, and installations tested by an approved testing agency, and that maintains a periodic inspection program on current production of listed products, equipment, and installations, and that, at least annually, makes available a published report of these listings.
(j) "Mold" means microscopic organisms or fungi that can grow in damp conditions in the interior of a building.
(k) "Noise insulation" means the protection of persons within buildings from excessive noise, however generated, originating within or without such buildings.
(l) "Nuisance" means any nuisance defined pursuant to Part 3 (commencing with Section 3479) of Division 4 of the Civil Code, or any other form of nuisance recognized at common law or in equity.
(m) "Public entity" has the same meaning as defined in Section 811.2 of the Government Code.
(n) "Testing agency" means an agency approved by the department as qualified and equipped for testing of products, materials, equipment, and installations in accordance with nationally recognized standards.

17920.3. Any building or portion thereof including any dwelling unit, guestroom or suite of rooms, or the premises on which the same
is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building:

(a) Inadequate sanitation shall include, but not be limited to, the following:

(1) Lack of, or improper water closet, lavatory, or bathtub or shower in a dwelling unit.
(2) Lack of, or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel.
(3) Lack of, or improper kitchen sink.
(4) Lack of hot and cold running water to plumbing fixtures in a hotel.
(5) Lack of hot and cold running water to plumbing fixtures in a dwelling unit.
(6) Lack of adequate heating.
(7) Lack of, or improper operation of required ventilating equipment.
(8) Lack of minimum amounts of natural light and ventilation required by this code.
(9) Room and space dimensions less than required by this code.
(10) Lack of required electrical lighting.
(11) Dampness of habitable rooms.
(12) Infestation of insects, vermin, or rodents as determined by a health officer or, if an agreement does not exist with an agency that has a health officer, the infestation can be determined by a code enforcement officer, as defined in Section 829.5 of the Penal Code, upon successful completion of a course of study in the appropriate subject matter as determined by the local jurisdiction.
(13) Visible mold growth, as determined by a health officer or a code enforcement officer, as defined in Section 829.5 of the Penal Code, excluding the presence of mold that is minor and found on surfaces that can accumulate moisture as part of their properly functioning and intended use.
(14) General dilapidation or improper maintenance.
(15) Lack of connection to required sewage disposal system.
(16) Lack of adequate garbage and rubbish storage and removal facilities, as determined by a health officer or, if an agreement does not exist with an agency that has a health officer, the lack of adequate garbage and rubbish removal facilities can be determined by a code enforcement officer as defined in Section 829.5 of the Penal Code.

(b) Structural hazards shall include, but not be limited to, the following:

(1) Deteriorated or inadequate foundations.
(2) Defective or deteriorated flooring or floor supports.
(3) Flooring or floor supports of insufficient size to carry imposed loads with safety.
(4) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.
(5) Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.
(6) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration.
(7) Members of ceilings, roofs, ceiling and roof supports, or
other horizontal members that are of insufficient size to carry imposed loads with safety.

(8) Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration.

(9) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.

(c) Any nuisance.

(d) All wiring, except that which conformed with all applicable laws in effect at the time of installation if it is currently in good and safe condition and working properly.

(e) All plumbing, except plumbing that conformed with all applicable laws in effect at the time of installation and has been maintained in good condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly, and that is free of cross connections and siphonage between fixtures.

(f) All mechanical equipment, including vents, except equipment that conformed with all applicable laws in effect at the time of installation and that has been maintained in good and safe condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly.

(g) Faulty weather protection, which shall include, but not be limited to, the following:

(1) Deteriorated, crumbling, or loose plaster.

(2) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors.

(3) Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.

(4) Broken, rotted, split, or buckled exterior wall coverings or roof coverings.

(h) Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation that, in the opinion of the chief of the fire department or his deputy, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

(i) All materials of construction, except those that are specifically allowed or approved by this code, and that have been adequately maintained in good and safe condition.

(j) Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rodent harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards.

(k) Any building or portion thereof that is determined to be an unsafe building due to inadequate maintenance, in accordance with the latest edition of the Uniform Building Code.

(l) All buildings or portions thereof not provided with adequate exit facilities as required by this code, except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and that have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy. When an unsafe condition exists through lack of, or improper location of, exits, additional exits may be required to be installed.

(m) All buildings or portions thereof that are not provided with the fire-resistive construction or fire-extinguishing systems or
equipment required by this code, except those buildings or portions thereof that conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

(n) All buildings or portions thereof occupied for living, sleeping, cooking, or dining purposes that were not designed or intended to be used for those occupancies.

(o) Inadequate structural resistance to horizontal forces.

"Substandard building" includes a building not in compliance with Section 13143.2.

However, a condition that would require displacement of sound walls or ceilings to meet height, length, or width requirements for ceilings, rooms, and dwelling units shall not by itself be considered sufficient existence of dangerous conditions making a building a substandard building, unless the building was constructed, altered, or converted in violation of those requirements in effect at the time of construction, alteration, or conversion.

17920.5. As used in this part "local appeals board" means the board or agency of a city or county which is authorized by the governing body of the city or county to hear appeals regarding the building requirements of the city or county. In any area in which there is no such board or agency, "local appeals board" means the governing body of the city or county having jurisdiction over such area.

17920.6. As used in this part, "housing appeals board" means the board or agency of a city or county which is authorized by the governing body of the city or county to hear appeals regarding the requirements of the city or county relating to the use, maintenance, and change of occupancy of hotels, motels, lodginghouses, apartment houses, and dwellings, or portions thereof, and buildings and structures accessory thereto, including requirements governing alteration, additions, repair, demolition, and moving of such buildings if also authorized to hear such appeals. In any area in which there is not such a board or agency, "housing appeals board" means the local appeals board having jurisdiction over such area.

17920.8. In addition to any other requirements for location of exit signs or devices in hotels, motels, or apartment houses, the State Fire Marshal shall adopt building standards establishing minimum requirements for the placement of distinctive devices, signs, or other means that identify exits and can be felt or seen near the floor. Exit sign technologies permitted by the model building code upon which the California Building Standards Code is based, shall be permitted. These building standards shall apply to all newly constructed occupancies subject to this section for which a building permit is issued, or construction is commenced, where no building permit is issued on or after January 1, 1989.

17920.9. (a) The department shall propose adoption, amendment, or repeal by the California Building Standards Commission pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5, of those regulations as are necessary for the provision of minimum fire safety and fire-resistant standards relating to the manufacture, composition, and use of foam building systems manufactured for use,
or used, in construction of buildings subject to this part, mobilehomes subject to Part 2 (commencing with Section 18000), or factory-built housing subject to Part 6 (commencing with Section 19960), for the protection of the health and safety of persons occupying those buildings, mobilehomes, or factory-built housing. The department shall enforce building standards published in the California Building Standards Code relating to foam building systems, and other rules and regulations adopted by the department or by federal law. Each manufacturer of foam building systems shall have any foam building system manufactured for use in any building, factory-built housing, or mobilehome listed and labeled by an approved testing agency certifying that the system meets fire safety and fire-resistant building standards published in the California Building Standards Code. The department shall consult with all available public and private sources to assist in the development of the building standards and other rules and regulations.

(b) The department shall make inspections of the manufacture of such foam building systems which it determines are necessary to insure compliance with the requirements of subdivision (a).

(c) No person shall sell, offer for sale, or use in construction of buildings subject to this part, mobilehomes subject to Part 2 (commencing with Section 18000), or factory-built housing subject to Part 6 (commencing with Section 19960), in this state, any foam building system, and no person shall sell or offer for sale in this state any such building, mobilehome, or factory-built housing of which a foam building system is a component, which foam building system does not comply with, or has not been listed and labeled by an approved testing agency certifying that the foam building system is in compliance with, the requirements of subdivision (a) on and after the 180th day after the building standards or other rules or regulations become effective.

This subdivision shall not apply to any buildings, mobilehomes, or factory-built housing constructed prior to the 180th day after those standards become effective.

(d) No person shall sell, offer for sale, or use in construction of any building subject to this part, a mobilehome subject to Part 2 (commencing with Section 18000), or factory-built housing subject to Part 6 (commencing with Section 19960), in this state, any foam building system, and no person shall sell or offer for sale in this state any such building, mobilehome, or factory-built housing of which a foam building system is a component, if the manufacturer thereof refuses to permit the department to conduct the inspections required by subdivision (b) on and after the 180th day after the building standards or other rules or regulations become effective.

(e) As used in this section:

1. "Foam" means a material made by mixing organic polymers with air or other gases in a manner that forms a solid substance with holes filled with air or gas when the mixture is allowed to set.

2. "Foam building system" means a system of building materials composed of, in whole or in part, of foam. It includes, but is not limited to, all combinations of systems such as those composed of foam inserted between and bonded to two boundary surface materials or those composed exclusively of foam.

3. "Building standard" means building standard as defined in Section 18909.

17920.10. (a) Any building or portion thereof including any
dwelling unit, guestroom, or suite of rooms, or portion thereof, or the premises on which it is located, is deemed to be in violation of this part as to any portion that contains lead hazards. For purposes of this part, "lead hazards" means deteriorated lead-based paint, lead-contaminated dust, lead-contaminated soil, or disturbing lead-based paint without containment, if one or more of these hazards are present in one or more locations in amounts that are equal to or exceed the amounts of lead established for these terms in Chapter 8 (commencing with Section 35001) of Division 1 of Title 17 of the California Code of Regulations or by this section and that are likely to endanger the health of the public or the occupants thereof as a result of their proximity to the public or the occupants thereof.

(b) In the absence of new regulations adopted by the State Department of Health Services in accordance with the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) further interpreting or clarifying the terms "deteriorated lead-based paint," "lead-based paint," "lead-contaminated dust," "containment," or "lead-contaminated soil," regulations in Chapter 8 (commencing with Section 35001) of Division 1 of Title 17 of the California Code of Regulations adopted by the State Department of Health Services pursuant to Sections 105250 and 124150 shall interpret or clarify these terms. If the State Department of Health Services adopts new regulations defining these terms, the new regulations shall supersede the prior regulations for the purposes of this part.

(c) In the absence of new regulations adopted by the State Department of Health Services in accordance with the rulemaking provisions of the Administrative Procedure Act defining the term "disturbing lead-based paint without containment" or modifying the term "deteriorated lead-based paint," for purposes of this part "disturbing lead-based paint without containment" and "deteriorated lead-based paint" shall be considered lead hazards as described in subdivision (a) only if the aggregate affected area is equal to or in excess of one of the following:

(1) Two square feet in any one interior room or space.
(2) Twenty square feet on exterior surfaces.
(3) Ten percent of the surface area on the interior or exterior type of component with a small surface area. Examples include window sills, baseboards, and trim.

(d) Notwithstanding subdivision (c), "disturbing lead-based paint without containment" and "deteriorated lead-based paint" shall be considered lead hazards, for purposes of this part, if it is determined that an area smaller than those specified in subdivision (c) is associated with a person with a blood lead level equal to or greater than 10 micrograms per deciliter.

(e) If the State Department of Health Services adopts regulations defining or redefining the terms "deteriorated lead-based paint," "lead-contaminated dust," "lead-contaminated soil," "disturbing lead-based paint without containment," "containment," or "lead-based paint," the effective date of the new regulations shall be deferred for a minimum of three months after their approval by the Office of Administrative Law and the regulations shall take effect on the next July 1 or January 1 following that three-month period. Until the new definitions apply, the prior definition shall apply.

17921. (a) Except as provided in subdivision (b), the department
shall propose the adoption, amendment, or repeal of building standards to the California Building Standards Commission pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the department shall adopt, amend, and repeal other rules and regulations for the protection of the public health, safety, and general welfare of the occupant and the public governing the erection, construction, enlargement, conversion, alteration, repair, moving, removal, demolition, occupancy, use, height, court, area, sanitation, ventilation and maintenance of all hotels, motels, lodging houses, apartment houses, and dwellings, and buildings and structures accessory thereto. Except as otherwise provided in this part, the department shall enforce those building standards and those other rules and regulations. The other rules and regulations adopted by the department may include a schedule of fees to pay the cost of enforcement by the department under Sections 17952 and 17965.

(b) The State Fire Marshal shall adopt, amend, or repeal and submit building standards for approval pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the State Fire Marshal shall adopt, amend, and repeal other rules and regulations for fire and panic safety in all hotels, motels, lodging houses, apartment houses and dwellings, buildings, and structures accessory thereto. These building standards and regulations shall be enforced pursuant to Sections 13145 and 13146; however, this section is not intended to require an inspection by a local fire agency of each single-family dwelling prior to its occupancy.

17921.1. Notwithstanding the provisions of Section 17921, and except as provided for herein, the department shall not adopt or enforce any rule or regulation relating to the installation, maintenance, or use of a hotplate in a room of any building occupied on or prior to the effective date of this act, if all of the following conditions exist:

(a) The hotplate is used solely for the cooking or preparation of meals for consumption by not more than two occupants of the room.

(b) The hotplate contains not more than two burners or heating elements, and has been approved by a testing agency acceptable to the department.

(c) The installation, maintenance, or use of a hotplate will not be, or is not, hazardous to life or property.

(d) The hotplate rests on its own legs, is set not closer than six inches from any wall or projection thereof, and rests on an impervious surface.

(e) The walls behind and adjacent to the hotplate are lined or backflashed with incombustible material equivalent to one-fourth-inch asbestos millboard; the backflashing extends from 12 inches below to 24 inches above the base of the hotplate; and there is 36 inches of clear and unobstructed space above the surface of the hotplate.

(f) The area of such room is not less than 120 square feet in superficial floor area.

(g) The room contains an approved sink with hot and cold running water.

(h) All plumbing in the room complies with the provisions of this part and building standards published in the State Building Standards Code.

(i) An approved storage cabinet is installed in the room wherein
all food, dishes, and cooking and eating utensils are stored when not in use.

(j) The bed, and any drapes, curtains, towels, or other readily combustible materials, in the room are located so that they do not come in contact with the hotplate.

(k) The room complies with the provisions of this part and building standards published in the State Building Standards Code pertaining to window area, ventilation, ceiling height, and cubic airspace.

(l) An approved method of heating is installed in or for the room and the hotplate is not used for the purpose of heating the room or installed within an unventilated area.

(m) Toilet and bath facilities are installed and maintained in the building as required by this part and building standards published in the State Building Standards Code.

In the event of any structural addition or any alteration or reconstruction involving the floor area of any room the provisions of Section 17921 shall apply.

Any city or county may enact an ordinance to prohibit the installation, maintenance, or use of a hotplate in any room.

"Approved," when used in connection with any material, type of construction, or appliance in this section, means meeting the approval of the enforcement agency as the result of investigation and tests conducted by the agency or by reason of accepted principles or tests by national authorities, technical, health, or scientific organizations or agencies.

17921.3. (a) All water closets and urinals installed or sold in this state shall meet performance, testing, and labeling requirements established by the American Society of Mechanical Engineers standard A112.19.2-2003, or A112.19.14-2001, as applicable. No other marking and labeling requirements shall be required by the state. All water closets and urinals installed or sold in this state shall be listed by an American National Standards Institute accredited third-party certification agency to the appropriate American Society of Mechanical Engineers standards set forth in this subdivision. No other listing or certification requirements shall be required by the state.

(b) (1) All water closets sold or installed in this state shall use no more than an average of 1.6 gallons per flush. On and after January 1, 2014, all water closets, other than institutional water closets, sold or installed in this state shall be high-efficiency water closets.

(2) All urinals sold or installed in this state shall use no more than an average of one gallon per flush. On and after January 1, 2014, all urinals, other than blow-out urinals, sold or installed in this state shall be high-efficiency urinals.

(3) Each manufacturer selling water closets or urinals in this state shall have not less than the following percentage of models offered for sale in this state of high-efficiency water closets plus high-efficiency urinals as compared to the total number of models of water closets plus urinals offered for sale in this state by that manufacturer:

(A) Fifty percent in 2010.

(B) Sixty-seven percent in 2011.
(C) Seventy-five percent in 2012.
(D) Eighty-five percent in 2013.
(E) One hundred percent in 2014 and thereafter.

(4) Each manufacturer that sells water closets or urinals in this state shall inform the State Energy Resources Conservation and Development Commission, the department, and the California Building Standards Commission, in writing, of the percentage of models of high-efficiency water closets plus high-efficiency urinals offered for sale in this state as compared to the total number of models of water closets plus urinals offered for sale in this state by that manufacturer for each year 2010 to 2013, inclusive, by January 30 of that year.

(c) Any city, county, or city and county may enact an ordinance to allow the sale and installation of nonlow-consumption water closets or urinals upon its determination that the unique configuration of building drainage systems or portions of a public sewer system within the jurisdiction, or both, requires a greater quantity of water to flush the system in a manner consistent with public health. At the request of a public agency providing sewer services within the jurisdiction, the city, county, or city and county shall hold a public hearing on the need for an ordinance as provided in this subdivision. Prior to this hearing or to the enactment of the ordinance, those agencies responsible for the provision of water and sewer services within the jurisdiction, if other than the agency considering adoption of the ordinance, shall be given at least 30 days' notice of the meeting at which the ordinance may be considered or adopted.

(d) Notwithstanding subdivision (b), on and after January 1, 1994, water closets and urinals that do not meet the standards referenced in subdivision (b) may be sold or installed for use only under either of the following circumstances:

(1) Installation of the water closet or urinal to comply with the standards referenced in subdivision (b) would require modifications to plumbing system components located beneath a finished wall or surface.

(2) The nonlow-consumption water closets, urinals, and flushometer valves, if any, would be installed in a home or building that has been identified by a local, state, or federal governmental entity as a historical site and historically accurate water closets and urinals that comply with the flush volumes specified in subdivision (b) are not available.

(e) (1) This section does not preempt any actions of cities, counties, cities and counties, or districts that prescribe additional or more restrictive conservation requirements affecting either of the following:

(A) The sale, installation, or use of low-consumption water closets, urinals, and flushometer valves that meet the standards referenced in subdivision (a), (b), or (c).

(B) The continued use of nonlow-consumption water closets, urinals, and flushometer valves.

(2) This section does not grant any new or additional powers to cities, counties, cities and counties, or districts to promulgate or establish laws, ordinances, regulations, or rules governing the sale, installation, or use of low-consumption water closets, urinals, and flushometer valves.

(f) The California Building Standards Commission or the department may, by regulation, reduce the quantity of water per flush required
pursuant to this section if deemed appropriate or not inconsistent in light of other standards referenced in the most recent version of the California Plumbing Code, and may refer to successor standards to the standards referenced in this section if determined appropriate in light of standards referenced in the most recent version of the California Plumbing Code.

(g) As used in this section, the following terms have the following meanings:

(1) "Blow-out urinal" means a urinal designed for heavy-duty commercial applications that work on a powerful nonsiphonic principle.

(2) "High-efficiency water closet" means a water closet that is either of the following:

(A) A dual flush water closet with an effective flush volume that does not exceed 1.28 gallons, where effective flush volume is defined as the composite, average flush volume of two reduced flushes and one full flush. Flush volumes shall be tested in accordance with ASME A112.19.2 and ASME A112.19.14.

(B) A single flush water closet where the effective flush volume shall not exceed 1.28 gallons. The effective flush volume is the average flush volume when tested in accordance with ASME A112.19.2.

(3) "High-efficiency urinal" means a urinal that uses no more than 0.5 gallons per flush.

(4) "Institutional water closet" means any water closet fixture with a design not typically found in residential or commercial applications or that is designed for a specialized application, including, but not limited to, wall-mounted floor-outlet water closets, water closets used in jails or prisons, water closets used in bariatrics applications, and child water closets used in day care facilities.

(5) "Nonlow-consumption flushometer valve," "nonlow-consumption urinal," and "nonlow-consumption water closet" mean devices that use more than 1.6 gallons per flush for toilets and more than 1.0 gallons per flush for urinals.

(6) "Urinal" means a water-using urinal.

(7) "Wall-mounted/wall-outlet water closets" means models that are mounted on the wall and discharge to the drainage system through the wall.

(h) For purposes of this section, all consumption values shall be determined by the test procedures contained in the American Society of Mechanical Engineers standard A112.19.2-2003 or A112.19.14-2001.

(i) This section shall remain operative only until January 1, 2014, or until the date on which the California Building Standards Commission includes standards in the California Building Standards Code that conform to this section, whichever date is later.

17921.4. (a) A nonwater-supplied urinal approved for installation or sold in this state shall satisfy all of the following requirements:

(1) Meet performance, testing, and labeling requirements established by the American Society of Mechanical Engineers standard A112.19.19-2006.

(2) Be listed by an American National Standards Institute accredited third-party certification agency to the American Society

(3) Provide a trap seal that complies with the California Plumbing Code.

(4) Permit the uninhibited flow of waste through the urinal to the sanitary drainage system.

(5) Be cleaned and maintained in accordance with the manufacturer's instructions after installation.

(6) Be installed with a water supply rough-in to the urinal location that would allow a subsequent replacement of the nonwater-supplied urinal with a water-supplied urinal if desired by the owner or if required by the enforcement agency.

(b) As used in this section, the following terms have the following meanings:

(1) "Building" means any structure subject to this part, and any structure subject to the California Building Standards Law as set forth in Part 2.5 (commencing with Section 18901).

(2) "Water supply rough-in" means the installation of water distribution and fixture supply piping sized to accommodate a water-supplied urinal to an in-wall point immediately adjacent to the urinal location.

(c) Nothing in this section shall restrict the authority of the California Building Standards Commission to require any additional conditions on the installation and use of nonwater-supplied urinals.

17921.5. (a) For purposes of this section, "recycled water" has the same meaning as that term is defined in subdivision (n) of Section 13050 of the Water Code, and is consistent with the recycled water use criteria specified in Chapter 3 (commencing with Section 60301.100) of Division 4 of Title 22 of the California Code of Regulations.

(b) (1) The department shall conduct research to assist in the development of mandatory building standards for the installation of recycled water systems for newly constructed single-family and multifamily residential buildings. In conducting this research, the department shall actively consult with the State Water Resources Control Board, the State Department of Public Health, and other interested parties, including, but not limited to, public water systems, recycled water producers, product manufacturers, local building officials, apartment and other rental property owners, California-licensed contractors, and the building industry.

(2) In researching, developing, and proposing mandatory building standards under this section, the department is authorized to expend funds from the Building Standards Administration Special Revolving Fund, upon appropriation pursuant to Section 18931.7.

(3) Research conducted to propose building standards pursuant to this section shall include, but is not limited to, the following:

(A) Potential outdoor applications for recycled water, consistent with the recycled water use criteria specified in Chapter 3 (commencing with Section 60301.100) of Division 4 of Title 22 of the California Code of Regulations.

(B) Potential indoor applications for recycled water, consistent with the recycled water use criteria specified in Chapter 3 (commencing with Section 60301.100) of Division 4 of Title 22 of the California Code of Regulations. With respect to indoor applications, the department shall consider whether to adopt or recommend measures in addition to the current standards adopted in the California Plumbing Code in Title 24 of the California Code of Regulations to
ensure the safe installation of indoor recycled water piping or systems, including, but not limited to, requiring purple pipe or special markings on recycled water piping that states clearly whether it is approved for indoor use, or recommending restrictions on who may purchase or install recycled water piping for indoor use.

(C) The cost of various recycled water systems.

(D) The estimated quantity of water savings under varying levels of application of recycled water in residential buildings and building site landscaped areas.

(4) The department may research standards for different types of water recycling systems, including noncentralized systems, but shall only mandate systems to the extent that they meet all of the health and safety standards specified in this section.

(c) (1) The department shall submit for adoption mandatory building standards for the installation of recycled water systems for newly constructed single-family residential and multifamily residential buildings. The department shall submit the proposed mandatory building standards to the California Building Standards Commission for consideration during the 2016 Intervening Code Adoption Cycle, and may propose the amendment or repeal of these mandatory standards as necessary in future code adoption cycles, consistent with the recycled water use criteria specified in Chapter 3 (commencing with Section 60301.100) of Division 4 of Title 22 of the California Code of Regulations.

(2) When developing the application provisions for the mandatory building standards, the department shall limit the mandate to install recycled water systems within residential buildings and building site landscaped areas to only those areas within a local jurisdiction that have feasible and cost-efficient access to a water recycling facility, or that have been identified by the local jurisdiction within a planned service area for the provision of recycled water for which a specific implementation timeline has been identified by the public water system in its most recent urban water management plan.

(3) The mandate to install recycled water piping shall not apply to service areas in which the only recycled water use is for potable purposes, or in which net nonpotable deliveries are anticipated to remain level or decrease as a result of the potable reuse project.

(4) The department shall develop the application provisions for the mandatory building standards required under paragraph (1), in consultation with the State Water Resources Control Board, public water systems, recycled water producers, and water research associations.

(5) A city, county, or city and county, in consultation with the public water system and recycled water producer, may further reduce the area for which the mandate to install recycled water piping applies, if the local public water system or recycled water producer finds that providing recycled water to an area is not feasible or cost effective.

17921.6. Except as provided in Sections 18930 and 18949.5, the department shall prepare and adopt minimum standards regulating the use and application of cellular concrete as it determines are reasonably necessary for the protection of life and property.

17921.7. (a) (1) The Legislature finds and declares all of the following:

(A) Acrylonitrile-butadiene-styrene ("ABS") drain, waste, and vent
plumbing pipe is used to drain or vent wastewater from kitchens, bathrooms, washers, and plumbing fixtures found in the home. ABS pipe is commonly used in residential construction, and ABS pipe has been installed in the foundations and walls of thousands of single-family homes, apartments, condominiums, and other residences throughout California.

(B) The American Society for Testing and Materials (ASTM) has established specifications for the manufacture of ABS pipe, including a requirement that ABS pipe be made from virgin plastic resin. These specifications have been incorporated into the Uniform Plumbing Code (UPC), which is applicable to all occupancies throughout the state pursuant to subdivision (b) of Section 18938, a provision of the California Building Standards Law (Part 2.5 (commencing with Section 18901)).

(C) ABS pipe that does not meet ASTM requirements might, within a period of a decade or less, crack and leak wastewater and sewage, resulting in structural damage, vermin infestation, and severe health hazards for residents or occupants of buildings in which defectively manufactured ABS pipe has failed. One apparent cause of these mechanical failures of ABS pipe has been the use of nonvirgin, reprocessed plastic resin for the manufacture of ABS pipe.

(D) The continued use of this nonvirgin, reprocessed plastic resin by some ABS pipe manufacturers violates the requirements of the UPC and is also in violation of the building standards established in accordance with the California Building Standards Law. The problem of the property damage inflicted on the public continues to worsen.

(E) Thousands of California residents either already have, or eventually will, experience serious damage to their homes, apartments, and condominiums, as well as threats to their health and safety, because of the substandard ABS pipe that has been installed, in violation of building standards, in structures throughout the state.

(F) There are currently no statutes or regulations that apply to the sale of defective plastic resin to ABS pipe manufacturers.

(2) It is, therefore, the intent of the Legislature that both of the following occur:

(A) That a provision that addresses the important issues set forth in paragraph (1) be added to the State Housing Law.

(B) That the Department of Housing and Community Development expeditiously implement the provisions of Chapter 413 of the Statutes of 1993 that relate to this section.

(b) On and after the effective date of the act that adds this section, no person shall sell or offer for sale a plastic resin for use in the manufacture of ABS DWV pipe that does not meet the requirements of the listing pursuant to authority granted by subdivision (e).

(c) (1) Any and all plastic resin sold to an ABS DWV pipe manufacturer for use in ABS DWV pipe shall contain a certification that the plastic resin conforms to the requirements specified in the listing pursuant to subdivision (e).

(2) Any and all plastic resin sold to an ABS pipe manufacturer shall be accompanied by a document indicating the name and address of the manufacturer of that plastic resin, the date that the plastic resin was purchased by the seller, and specifications of the chemical and physical properties of the plastic resin. For a period of at least 10 years from the date of the sale of this plastic resin, the information required to be certified by this subdivision shall be
kept onsite at the ABS pipe manufacturing plant, and available for inspection by the enforcement agency, at all times.

(d) No ABS DWV pipe that contains plastic resin that does not meet the requirements of the listing pursuant to subdivision (e) may be sold or offered for sale, or installed in any structure that is subject to this part.

(e) The listing agencies, as approved by the department, shall publish in each listing agreement with ABS DWV pipe manufacturers a list of ABS resins and resin compounds used by that manufacturer and approved for use by the listing agency. The approval of ABS resins and resin compounds shall be based on nationally recognized standards. The listing agencies shall consult with the affected parties.

17921.9. (a) The Legislature finds and declares all of the following:

(1) The deterioration of copper piping has become a serious problem in various communities in the state.

(2) Chlorinated polyvinyl chloride (CPVC) plastic piping has been successfully used for many years in other states and in nations around the globe, and has also been widely used, in accordance with federal regulations, in mobilehome construction.

(3) The Department of Community Development of the City of Colton, acting pursuant to a good-faith belief that it was in compliance with state regulations, approved the use of CPVC piping as an alternative to copper piping in early 1993 when the department was confronted with widespread deterioration of copper piping systems in a tract in the western part of that city.

(4) The retrofitting of homes in Colton with CPVC piping has been successful.

(b) It is, therefore, the intent of the Legislature in enacting this section to allow the use of CPVC piping in building construction in California as an alternate material under specified conditions.

(c) Notwithstanding any other provision of law, the provisions of the California Plumbing Code that do not authorize the use of CPVC piping within California shall not apply to any local government that permitted the use of CPVC piping for potable water systems within its jurisdiction prior to January 1, 1996. Any local government that permitted the use of CPVC piping for potable water systems within its jurisdiction prior to January 1, 1996, shall require both of the following:

(1) That the CPVC piping to be used is listed as an approved material in, and is installed in accordance with, the 1994 edition of the Uniform Plumbing Code.

(2) That all installations of CPVC strictly comply with the interim flushing procedures and worker safety measures set forth in subdivisions (d) and (e).

(d) The following safe work practices shall be adhered to when installing both CPVC and copper plumbing pipe in California after the effective date of the act that adds this section:

(1) (A) Employers shall provide education and training to inform plumbers of risks, provide equipment and techniques to help reduce exposures from plumbing pipe installation, foster safe work habits, and post signs to warn against the drinking of preoccupancy water.

(B) For purposes of this paragraph, "training" shall include training in ladder safety, safe use of chain saws and wood-boring tools, hazards associated with other construction trades, hazards
from molten solder and flux, and the potential hazards and safe use of soldering tools and materials.

(2) Cleaners shall be renamed as primers, include strong warnings on the hazards of using primers as cleaners, and include dyes to discourage use as cleaners.

(3) Applicators and daubers shall be limited to small sizes.

(4) Enclosed spaces shall be ventilated with portable fans when installing CPVC pipe.

(5) Protective impermeable gloves shall be utilized when installing CPVC pipe.

(6) Employers shall provide onsite portable eyewash stations for all employees to allow for immediate flushing of eyes in the event of splashing of hot flux.

(7) Employers using acetylene torches shall ensure that the acetylene tanks are regularly maintained and inspected in accordance with applicable regulatory requirements. Fire extinguishers shall be kept in close proximity to the workplace.

(e) All of the following flushing procedures shall be adhered to when installing CPVC pipe in California after the effective date of the act that adds this section:

(1) When plumbing is completed and ready for pressure testing, each cold water and hot water tap shall be flushed starting with the fixture (basin, sink, tub, or shower) closest to the water meter and continuing with each successive fixture, moving toward the end of the system. Flushing shall be continued for at least one minute or longer until water appears clear at each fixture. This step may be omitted if a jurisdiction requires the building inspector to test each water system.

(2) The system shall be kept filled with water for at least one week and then flushed in accordance with the procedures set forth in paragraph (1). The system shall be kept filled with water and not drained.

(3) Before the premises are occupied, the hot water heater shall be turned on and the system shall be flushed once more. Commencing with the fixture closest to the hot water heater, the hot water tap shall be permitted to run until hot water is obtained. The time required to get hot water in a specific tap shall be determined and then the cold water tap at the same location shall be turned on for the same period of time. This procedure shall be repeated for each fixture in succession toward the end of the system.

(f) Nothing in this section shall be construed to affect the applicability of any existing law imposing liability on a manufacturer, distributor, retailer, installer, or any other person or entity under the laws of this state for liability.

(g) This section shall not be operative after January 1, 1998.

17921.10. (a) The standards proposed by the department pursuant to Section 17921 may include voluntary best practice and mandatory requirements related to environmentally preferable water using devices and measures. The standards shall not unreasonably or unnecessarily impact the ability of Californians to purchase or rent affordable housing, as determined by taking account of the overall benefit derived from the standards.

(b) Nothing in this section shall in any way reduce the authority of the State Energy Resources Conservation and Development Commission to adopt standards and regulations or take other actions pursuant to Division 15 (commencing with Section 25000) of the Public Resources
17922. (a) Except as otherwise specifically provided by law, the building standards adopted and submitted by the department for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5, and the other rules and regulations that are contained in Title 24 of the California Code of Regulations, as adopted, amended, or repealed from time to time pursuant to this chapter shall be adopted by reference, except that the building standards and rules and regulations shall include any additions or deletions made by the department. The building standards and rules and regulations shall impose substantially the same requirements as are contained in the most recent editions of the following uniform industry codes as adopted by the organizations specified:

1. The Uniform Housing Code of the International Conference of Building Officials, except its definition of “substandard building.”


3. The Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials.

4. The Uniform Mechanical Code of the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials.


6. Appendix Chapter 1 of the Uniform Code for Building Conservation of the International Conference of Building Officials.

(b) In adopting building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 for publication in the California Building Standards Code and in adopting other regulations, the department shall consider local conditions and any amendments to the uniform codes referred to in this section. Except as provided in Part 2.5 (commencing with Section 18901), in the absence of adoption by regulation, the most recent editions of the uniform codes referred to in this section shall be considered to be adopted one year after the date of publication of the uniform codes.

(c) Except as provided in Section 17959.5, local use zone requirements, local fire zones, building setback, side and rear yard requirements, and property line requirements are hereby specifically and entirely reserved to the local jurisdictions notwithstanding any requirements found or set forth in this part.

(d) Regulations other than building standards which are adopted, amended, or repealed by the department, and building standards adopted and submitted by the department for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5, governing alteration and repair of existing buildings and moving of apartment houses and dwellings shall permit the replacement, retention, and extension of original materials and the continued use of original methods of construction as long as the hotel, lodginghouse, motel, apartment house, or dwelling, or portions thereof, or building and structure accessory thereto, complies with the provisions published in the California Building Standards Code and the other rules and regulations of the department or alternative local standards adopted pursuant to subdivision (b) of Section 13143.2 or Section 17958.5 and does not become or continue to be a substandard building. Building additions or alterations which increase the area, volume, or size of an existing building, and foundations for apartment houses and
dwellings moved, shall comply with the requirements for new buildings or structures specified in this part, or in building standards published in the California Building Standards Code, or in the other rules and regulations adopted pursuant to this part. However, the additions and alterations shall not cause the building to exceed area or height limitations applicable to new construction.

(e) Regulations other than building standards which are adopted by the department and building standards adopted and submitted by the department for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 governing alteration and repair of existing buildings shall permit the use of alternate materials, appliances, installations, devices, arrangements, or methods of construction if the material, appliance, installation, device, arrangement, or method is, for the purpose intended, at least the equivalent of that prescribed in this part, the building standards published in the California Building Standards Code, and the rules and regulations promulgated pursuant to the provisions of this part in performance, safety, and for the protection of life and health. Regulations governing abatement of substandard buildings shall permit those conditions prescribed by Section 17920.3 which do not endanger the life, limb, health, property, safety, or welfare of the public or the occupant thereof.

(f) A local enforcement agency may not prohibit the use of materials, appliances, installations, devices, arrangements, or methods of construction specifically permitted by the department to be used in the alteration or repair of existing buildings, but those materials, appliances, installations, devices, arrangements, or methods of construction may be specifically prohibited by local ordinance as provided pursuant to Section 17958.5.

(g) A local ordinance may not permit any action or proceeding to abate violations of regulations governing maintenance of existing buildings, unless the building is a substandard building or the violation is a misdemeanor.

17922.1. Notwithstanding Section 17922, local agencies may modify or change the requirements published in the State Building Standards Code or contained in other regulations adopted by the department pursuant to Section 17922 if they make a finding that temporary housing is required for use in conjunction with a filed mining claim on federally owned property located within the local jurisdiction and that the modification or change would be in the public interest and consistent with the intent of the so-called Federal Mining Act of 1872 (see 30 U.S.C., Sec. 22, et seq.), relating to the development of mining resources of the United States.

17922.12. (a) For the purposes of this section, "graywater" means untreated wastewater that has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. "Graywater" includes wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers.

(b) Notwithstanding Chapter 22 (commencing with Section 14875) of Division 7 of the Water Code, at the next triennial building
standards rulemaking cycle that commences on or after January 1, 2009, the department shall adopt and submit for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 building standards for the construction, installation, and alteration of graywater systems for indoor and outdoor uses.

(c) In adopting building standards under this section, the department shall do all of the following:

(1) Convene and consult a stakeholder's group that includes members with expertise in public health, water quality, geology or soils, residential plumbing, home building, and environmental stewardship.

(2) Ensure protection of water quality in accordance with applicable provisions of state and federal water quality law.

(3) Consider existing research available on the environmental consequences to soil and groundwater of short-term and long-term graywater use for irrigation purposes, including, but not limited to, research sponsored by the Water Environment Research Foundation.

(4) Consider graywater use impacts on human health.

(5) Consider the circumstances under which the use of in-home graywater treatment systems is recommended.

(6) Consider the use and regulation of graywater in other jurisdictions within the United States and in other nations.

(d) The department may revise and update the standards adopted under this section at any time, and the department shall reconsider these standards at the next triennial rulemaking that commences after their adoption.

(e) The approval by the California Building Standards Commission of the standards for graywater systems adopted under this section shall terminate the authority of the Department of Water Resources to adopt and update standards for the installation, construction, and alteration of graywater systems in residential buildings pursuant to Chapter 22 (commencing with Section 14875) of Division 7 of the Water Code.

17922.2. (a) Notwithstanding any other provisions of this part, ordinances and programs adopted on or before January 1, 1993, that contain standards to strengthen potentially hazardous buildings pursuant to subdivision (b) of Section 8875.2 of the Government Code, shall incorporate the building standards in Appendix Chapter 1 of the Uniform Code for Building Conservation of the International Conference of Building Officials published in the California Building Standards Code, except for standards found by local ordinance to be inapplicable based on local conditions, as defined in subdivision (b), or based on an approved study pursuant to subdivision (c), or both. Ordinances and programs shall be updated in a timely manner to reflect changes in the model code, and more frequently if deemed necessary by local jurisdictions.

(b) For the purpose of subdivision (a), and notwithstanding the meaning of "local conditions" as used elsewhere in this part and in Part 2.5 (commencing with Section 18901), the term "local conditions" shall be limited to those conditions that affect the implementation of seismic strengthening standards on the following only:

(1) The preservation of qualified historic structures as governed by the State Historical Building Code (Part 2.7 (commencing with Section 18950)).

(2) Historic preservation programs, including, but not limited to, the California Mainstreet Program.
(3) The preservation of affordable housing.

(c) Any ordinance or program adopted on or before January 1, 1993, may include exceptions for local conditions not defined in subdivision (b) if the jurisdiction has approved a study on or before January 1, 1993, describing the effects of the exceptions. The study shall include socioeconomic impacts, a seismic hazards assessment, seismic retrofit cost comparisons, and earthquake damage estimates for a major earthquake, including the differences in costs, deaths, and injuries between full compliance with Appendix Chapter 1 of the Uniform Code for Building Conservation or the Uniform Building Code and the ordinance or program. No study shall be required pursuant to this subdivision if the exceptions for local conditions not defined in subdivision (b) result in standards or requirements that are more stringent than those in Appendix Chapter 1 of the Uniform Code for Building Conservation.

(d) Ordinances and programs adopted pursuant to this section shall conclusively be presumed to comply with the requirements of Chapter 173 of the Statutes of 1991.

17922.3. Notwithstanding any other provision of law, a residential structure that is moved into, or within, the jurisdiction of a local agency or the department, shall not be treated, for the purposes of Section 104 of the 1991 Edition of the Uniform Building Code, as a new building or structure, but rather shall be treated, for the purposes of this part, as subject to Section 17958.9.

17922.5. Any state or local agency which issues building permits shall require, as a condition of issuing any building permit where the working conditions of the construction would require an employer to obtain a permit from the Division of Occupational Safety and Health pursuant to Chapter 6 (commencing with Section 6500) of Part 1 of Division 5 of the Labor Code, that proof be submitted showing that the employer has received such a permit from the Division of Occupational Safety and Health.

An employer may apply for a building permit prior to receiving the permit from the Division of Occupational Safety and Health.

17922.6. (a) The Office of Noise Control in coordination with the department shall adopt and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18934) of Part 2.5 of this division and shall adopt, amend, and repeal rules and regulations other than building standards which establish uniform minimum noise insulation requirements for hotels, motels, apartment houses, and dwellings other than detached single-family dwellings.

(b) Such requirements shall be based on performance in order to require compliance onsite where the hotel, motel, apartment house, or dwelling other than a detached single-family dwelling, is located.

(c) Such requirements shall be sufficient to protect persons within the hotel, motel, apartment house, or dwelling other than a detached single-family dwelling, from the effects of excessive noise, including, but not limited to, hearing loss or impairment and persistent interference with speech and sleep.

(d) The provisions of this section, the building standards published in the State Building Standards Code relating to noise insulation, and the other rules and regulations adopted pursuant to
this section shall apply equally to those hotels, motels, apartment houses, and dwellings other than detached single-family dwellings, owned, operated, or maintained by any public entity. The department shall enforce such building standards published in the State Building Standards Code and such other rules and regulations with respect to any such hotel, motel, apartment house, or dwelling other than a detached single-family dwelling, which is not subject to the jurisdiction of any local building department.

(e) The provisions of this section, the building standards published in the State Building Standards Code relating to noise insulation, and the other rules and regulations adopted pursuant to this section shall not apply to detached single-family dwellings.

(f) Such other rules and regulations adopted by the Office of Noise Control shall become operative six months after their date of adoption.

(g) Sections 17925, 17958, 17958.5, and 17958.7 shall not apply to the provisions of this section.

17922.7. (a) Except as otherwise provided in subdivisions (b) and (c), the governing body of every city, county, city and county, and public entity shall adopt ordinances or regulations imposing the same requirements as are published in the State Building Standards Code relating to noise insulation and as are contained in the other rules and regulations adopted pursuant to Section 17922.6 within six months after the date of publication in the State Building Standards Code or the date of adoption of such other rules and regulations. The building standards relating to noise insulation published in the State Building Standards Code and the other rules and regulations adopted pursuant to Section 17922.6 shall apply in any city, county, city and county, or to any hotel, motel, apartment house, or dwelling other than a detached single-family dwelling, which is owned, operated, or maintained by any public entity, if the appropriate governing body fails to adopt such ordinances or regulations within six months after such date of publication or adoption.

(b) In adopting such ordinances or regulations, the governing body of any city, county, city and county, or public entity may make such changes, modifications, or additions to the minimum requirements contained in such building standards relating to noise insulation published in the State Building Standards Code, or in the other rules and regulations adopted pursuant to Section 17922.6, as such governing body determines are reasonably necessary due to local conditions. The governing body may also impose noise insulation standards on a case by case basis on new single-family detached dwellings, if the governing body determines that such standards are necessary due to substantial noise generated by airports, roadways, or commercial and industrial activities immediately surrounding or adjacent to such proposed dwellings. Any local noise insulation standards adopted for single-family detached dwellings shall not exceed comparable standards for multifamily housing. The governing body shall find that ordinances or regulations, adopted pursuant to this subdivision, will require the diminution of the noise levels permitted by the building standards relating to noise insulation published in the State Building Standards Code and in the other rules and regulations adopted pursuant to Section 17922.6.

(c) Prior to making such modifications, changes, or additions pursuant to subdivision (b), the governing body shall make an express finding that such modifications, changes, or additions are needed,
which finding shall be available as a public record. A copy of such finding, together with the modification, change, or addition, shall be filed with the Office of Noise Control.

17922.8. The Office of Noise Control may appoint an advisory committee to assist the office in reviewing and revising the noise insulation standards previously adopted.

17922.9. (a) The Legislature hereby finds and declares that the provision of an adequate level of affordable housing, in and of itself, is a fundamental responsibility of the state and that a generally inadequate supply of decent, safe, and sanitary housing affordable to persons of low and moderate income threatens orderly community and regional development, including job creation, attracting new private investment, and creating the physical, economic, social, and environmental conditions to support continued growth and security of all areas of the state.

The Legislature further finds and declares that many rural communities depend on mortgage financing available through the Farmers Home Administration and that the continued construction of affordable housing is a priority for the state. However, the Legislature, in requiring waiver of certain local requirements respecting adequacy of garages and carports and house size, does not endorse the restrictive Farmers Home Administration regulations that preclude financing of two-car garages and houses exceeding a maximum size.

The Legislature further finds and declares that inadequate housing supplies have a negative impact on regional development and are, therefore, a matter of statewide interest and concern.

(b) Notwithstanding any local ordinance, charter provision, or regulation to the contrary, if the applicant for a building permit for construction of a qualifying residential structure submits with the application a conditional loan commitment letter or letter of intent to finance issued by the Farmers Home Administration of the United States Department of Agriculture for the structure, the city, county, or city and county issuing the building permit shall not impose any requirement on the permit respecting the size or capacity of any appurtenant garage or carport or house size which exceeds the size or capacity that the Farmers Home Administration will finance under its then applicable regulations and policies. "Qualifying residential structure," as used in this section, means any single-family or multifamily residential structure financed by the Farmers Home Administration and which is restricted pursuant to federal law to ownership or occupancy by households with incomes not exceeding the income criteria for persons and families of low and moderate income, as defined by Section 50093, or more restrictive income criteria.

(c) This section does not preclude a city, county, or city and county from requiring the provision of one uncovered, paved parking space located outside the required setback and outside the driveway approach to the garage or covered parking space plus a garage or covered parking space that does not exceed the size and capacity allowed for Farmers Home Administration financing. However, this setback requirement may not exceed the setbacks applicable to single-family dwelling units in the same zoning district that have two-car garages.
17923. (a) The provisions of Section 17922 are not intended to prevent the use of any material, appliance, installation, device, arrangement, or method of construction not specifically prescribed by this part, the building standards published in the State Building Standards Code relating thereto, and the other rules and regulations promulgated pursuant thereto, providing such alternate has been approved. The department may approve any such alternate if it finds that the proposed design is satisfactory and that the material, appliance, installation, device, arrangement, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in this part, the building standards published in the State Building Standards Code relating thereto, and the other rules and regulations promulgated pursuant thereto, in performance, safety, and for the protection of life and health.

(b) Whenever there is evidence that any material, appliance, installation, device, arrangement, or method of construction does not conform to the requirements of this part, the building standards published in the State Building Standards Code relating thereto, and the other rules and regulations promulgated pursuant thereto, or in order to substantiate claims for alternates, the department may require tests as proof of compliance to be made at the expense of the owner or his agent.

17924. Rules and regulations shall be promulgated pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and no state department, officer, board, agency, committee, or commission shall have power pursuant to the provisions of this part to publish building standards, as defined in Section 18909, but shall propose and submit those building standards as deemed necessary to carry out the provisions of this part for adoption and publishing pursuant to the provisions of Part 2.5 (commencing with Section 18901).

17925. Except as provided in Section 17922.6, any person, firm, corporation, or governmental agency that opposes the application of any applicable building standard published in the State Building Standards Code or any other rule or regulation adopted by the department within a particular local area may request a hearing before the local appeals board regarding the matter. If the local appeals board determines after the hearing that because of local conditions or factors it is not reasonable for the building standard, rule, or regulation to be applied in the local area, the building standard, rule, or regulation shall have no application within that local area. A copy of the determination of the local appeals board, together with a report of the local conditions upon which the determination is based, shall be filed with the department pursuant to Section 17958.7.

17926. (a) An owner of a dwelling unit intended for human occupancy shall install a carbon monoxide device, approved and listed by the State Fire Marshal pursuant to Section 13263, in each existing dwelling unit having a fossil fuel burning heater or appliance, fireplace, or an attached garage, within the earliest applicable time period as follows:

1. For all existing single-family dwelling units intended for human occupancy on or before July 1, 2011.
2. For all existing hotel and motel dwelling units intended for
human occupancy on or before January 1, 2017.

(3) For all other existing dwelling units intended for human occupancy on or before January 1, 2013.

(b) With respect to the number and placement of carbon monoxide devices, an owner shall install the devices in a manner consistent with building standards applicable to new construction for the relevant type of occupancy or with the manufacturer's instructions, if it is technically feasible to do so.

(c) (1) Notwithstanding Section 17995, and except as provided in paragraph (2), a violation of this section is an infraction punishable by a maximum fine of two hundred dollars ($200) for each offense.

(2) Notwithstanding paragraph (1), a property owner shall receive a 30-day notice to correct. If an owner receiving notice fails to correct within that time period, the owner may be assessed the fine pursuant to paragraph (2).

(d) No transfer of title shall be invalidated on the basis of a failure to comply with this section, and the exclusive remedy for the failure to comply with this section is an award of actual damages not to exceed one hundred dollars ($100), exclusive of any court costs and attorney's fees. This subdivision is not intended to affect any duties, rights, or remedies otherwise available at law.

(e) A local ordinance requiring carbon monoxide devices may be enacted or amended if the ordinance is consistent with this chapter.

(f) On or before July 1, 2015, the department shall submit for adoption and approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5, building standards for the installation of carbon monoxide detectors in hotel and motel dwelling units intended for human occupancy. In developing these standards, the department shall do both of the following:

(1) Convene and consult a stakeholder group that includes members with expertise in multifamily dwellings, lodging, maintenance, and construction.

(2) Review and consider the most current national codes and standards available related to the installation of carbon monoxide detection.

(g) For purposes of this section and Section 17926.1, "dwelling unit intended for human occupancy" has the same meaning as that term is defined in Section 13262.

17926.1. (a) An owner or owner's agent of a dwelling unit intended for human occupancy who rents or leases the dwelling unit to a tenant shall maintain carbon monoxide devices in that dwelling unit consistent with this section and Section 17926.

(b) An owner or the owner's agent may enter any dwelling unit intended for human occupancy owned by the owner for the purpose of installing, repairing, testing, and maintaining carbon monoxide devices required by this section, pursuant to the authority and requirements of Section 1954 of the Civil Code.

(c) The carbon monoxide device shall be operable at the time that the tenant takes possession. A tenant shall be responsible for notifying the owner or owner's agent if the tenant becomes aware of an inoperable or deficient carbon monoxide device within his or her unit. The owner or owner's agent shall correct any reported deficiencies or inoperabilities in the carbon monoxide device and shall not be in violation of this section for a deficient or inoperable carbon monoxide device when he or she has not received
notice of the deficiency or inoperability.

(d) This section shall not affect any rights which the parties may have under any other provision of law because of the presence or absence of a carbon monoxide device.

(e) For purposes of this section, with respect to a time-share project, "owner" means the homeowners' association of the time-share project.

17926.2. (a) If the department, in consultation with the State Fire Marshal, determines that a sufficient amount of tested and approved carbon monoxide devices are not available to property owners to meet the requirements of the Carbon Monoxide Poisoning Prevention Act of 2009 and Sections 17926 and 17926.1, the department may suspend enforcement of the requirements of Sections 17926 and 17926.1 for up to six months. If the department elects to suspend enforcement of these requirements, the department shall notify the Secretary of State of its decision and shall post a public notice that describes its findings and decision on the departmental Internet Web site.

(b) If the California Building Standards Commission adopts or updates building standards relating to carbon monoxide devices, the owner or owner's agent, who has installed a carbon monoxide device as required by Section 17926 or 17926.1, shall not be required to install a new device meeting the requirements of those building standards within an individual dwelling unit until the owner makes application for a permit for alterations, repairs, or additions to that dwelling unit, the cost of which will exceed one thousand dollars ($1,000).

17927. The department shall propose the adoption, amendment, or repeal of building standards pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the department shall adopt, amend, and repeal other rules and regulations for garage door springs for installation in garages which are accessory to apartment houses, hotels, motels, and dwellings as the department determines are reasonably necessary to prevent the death or injury of persons or damage to property resulting from the breaking of the garage door springs. Except as otherwise provided in this part, the department shall enforce building standards published in the California Building Standards Code relating to garage door springs and other rules and regulations adopted by the department pursuant to this section.

No garage door spring which violates the provisions of any building standard published in the California Building Standards Code relating to garage door springs or any other rule or regulation adopted by the department pursuant to this section shall be sold or offered for sale, or installed in any garage which is accessory to an apartment house, hotel, motel, or dwelling, on or after the date of publication of the building standard or the effective date of the rule or regulation.

17928. (a) (1) The Department of Housing and Community Development shall, for building standards submitted to the California Building Standards Commission for adoption in the 2010 California Building Code or later, do all the following:

(A) Review relevant green building guidelines as deemed necessary by the department when preparing proposed building standards for submittal.

(B) Consider proposing as mandatory building standards those green
building features determined by the department to be cost effective and feasible to promote greener construction.

(2) Nothing in this subdivision shall be construed to supplant or otherwise change the existing process for approval and adoption of building standards through the California Building Standards Commission.

(b) (1) The department shall also summarize in a report to the Legislature no later than September 1 of each year, both of the following:

(A) Green building features proposed as building standards during the prior fiscal year.

(B) Green building guidelines reviewed pursuant to subdivision (a) during the prior fiscal year.

(2) For those items required by this subdivision already included in other reports provided to the Legislature or generally available, the department may fulfill this requirement by citing where that information can be found.
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.

17951. (a) The governing body of any county or city, including a charter city, may prescribe fees for permits, certificates, or other forms or documents required or authorized by this part or rules and regulations adopted pursuant to this part.

(b) The governing body of any county or city, including a charter city, or fire protection district, may prescribe fees to defray the costs of enforcement required by this part to be carried out by local enforcement agencies.

(c) The amount of the fees prescribed pursuant to subdivisions (a) and (b) shall not exceed the amount reasonably required to administer or process these permits, certificates, or other forms or documents, or to defray the costs of enforcement required by this part to be carried out by local enforcement agencies, and shall not be levied for general revenue purposes. The fees shall be imposed pursuant to Section 66016 of the Government Code.

(d) If the local enforcement agency fails to conduct an inspection of permitted work for which permit fees have been charged pursuant to this section within 60 days of receiving notice of the completion of the permitted work, the permittee shall be entitled to reimbursement of the permit fees. The local enforcement agency shall disclose in clear language on each permit or on a document that accompanies the permit that the permittee may be entitled to reimbursement of permit fees pursuant to this subdivision.

(e) (1) The provisions of this part are not intended to prevent the use of any manufactured home, mobilehome, multiunit manufactured home, material, appliance, installation, device, arrangement, or method of construction not specifically prescribed by the California Building Standards Code or this part, provided that this alternate has been approved by the building department.

(2) The building department of any city or county may approve an alternate material, appliance, installation, device, arrangement, method, or work on a case-by-case basis if it finds that the proposed design is satisfactory and that each such material, appliance, installation, device, arrangement, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in the California Building Standards Code or this part in performance, safety, and for the protection of life and health.

(3) The building department of any city or county shall require evidence that any material, appliance, installation, device, arrangement, or method of construction conforms to, or that the proposed alternate is at least equivalent to, the requirements of this part, building standards published in the California Building Standards Code, or the other rules and regulations promulgated...
pursuant to this part and in order to substantiate claims for
alternates, the building department of any city or county may require
tests as proof of compliance to be made at the expense of the owner
or the owner's agent by an approved testing agency selected by the
owner or the owner's agent.

17952. (a) In the event of nonenforcement of this part, or the
building standards published in the California Building Standards
Code, or the other rules and regulations promulgated pursuant to the
provisions of this part, such provisions, building standards or other
rules and regulations shall be enforced by the department in any
city or county after the department has given written notice to the
governing body of that city or county or fire protection district, as
the case may be, of a violation of this part, those building
standards, or the other rules or regulations promulgated pursuant to
the provisions of this part and the city or county has failed to
initiate proceedings to secure correction of the violation within 30
days of the date of that notice. The city or county or fire
protection district may request a hearing before the department
pursuant to Section 17930 within the 30 days to show cause for
nonenforcement. Enforcement by the department shall not be initiated
until the decision of the department, adverse to the city or county
or fire protection district, is rendered.

(b) In the event of enforcement by the department pursuant to
subdivision (a), the costs incurred by the department for such
enforcement shall be borne by such city, or county, or city and
county, or fire protection district. The department may assess fees
to defray the costs of enforcement, thereby reducing the cost to be
borne by the city, county, city and county, or fire protection
district, but the department need not assess such fees and may not
require the city, county, city and county, or fire protection
district to assess fees to offset department costs.

17953. Each city, county, and city and county shall enact an
ordinance which requires a preliminary soil report, prepared by a
civil engineer who is registered by the state, based upon adequate
test borings or excavations, of every subdivision, where a tentative
and final map is required pursuant to Section 66426 of the Government
Code.

The preliminary soil report may be waived if the building
department of the city, county or city and county, or other
enforcement agency charged with the administration and enforcement of
the provisions of this part, shall determine that, due to the
knowledge such department has as to the soil qualities of the soil of
the subdivision or lot, no preliminary analysis is necessary.

17954. If the preliminary soil report indicates the presence of
critically expansive soils or other soil problems which, if not
corrected, would lead to structural defects, such ordinance shall
require a soil investigation of each lot in the subdivision.

The soil investigation shall be prepared by a civil engineer who
is registered in this state. It shall recommend corrective action
which is likely to prevent structural damage to each dwelling
proposed to be constructed on the expansive soil.

17955. The building department of each city, county, or city and
county, or other enforcement agency charged with the administration
and enforcement of the provisions of this part, shall approve the soil investigation if it determines that the recommended action is likely to prevent structural damage to each dwelling to be constructed. As a condition to the building permit, the ordinance shall require that the approved recommended action be incorporated in the construction of each dwelling. Appeal from such determination shall be to the local appeals board.

17956. A city, county, or city and county or other enforcement agency charged with the administration and enforcement of the provisions of this part, is not liable for any injury which arises out of any act or omission of the city, county or city and county, or other enforcement agency, or a public employee or any other person under Section 17953, 17954, or 17955.

17957. The governing body of any city, county, or city and county may enact an ordinance prescribing an alternate procedure which is equal to or more restrictive than the procedure specified in Sections 17953, 17954, and 17955.

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 180 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 180 days after publication of the California Building Standards Code by the California Building Standards Commission.

17958.1. Notwithstanding Sections 17922, 17958, and 17958.5, a city or county may, by ordinance, permit efficiency units for occupancy by no more than two persons which have a minimum floor area of 150 square feet and which may also have partial kitchen or bathroom facilities, as specified by the ordinance. In all other respects, these efficiency units shall conform to minimum standards for those occupancies otherwise made applicable pursuant to this part.

"Efficiency unit," as used in this section, has the same meaning specified in the Uniform Building Code of the International Conference of Building Officials, as incorporated by reference in Chapter 2-12 of Part 2 of Title 24 of the California Code of Regulations.
17958.2. (a) Notwithstanding Section 17958, regulations of the department adopted for limited-density owner-built rural dwellings, which are codified in Article 8 (commencing with Section 74) of Subchapter 1 of Chapter 1 of Title 25 of the California Code of Regulations, shall not become operative within any city or county unless and until the governing body of the city or county makes an express finding that the application of those regulations within the city or county is reasonably necessary because of local conditions and the city or county files a copy of that finding with the department.

(b) In adopting ordinances or regulations for limited-density owner-built rural dwellings, a city or county may make any changes or modifications in the requirements contained in Article 8 (commencing with Section 74) of Subchapter 1 of Chapter 1 of Title 25 of the California Code of Regulations that it determines are reasonably necessary because of local conditions, if the city or county files a copy of the changes or modifications and the express findings for the changes or modifications with the department. No change or modification of that type shall become effective or operative for any purpose until the finding and the change or modification has been filed with the department.

17958.3. (a) All residential hotels, as defined by paragraph (1) of subdivision (b) of Section 50519, shall provide a locking mail receptacle for each residential unit, consistent with the applicable standards for apartment housing mail receptacles in the United States Postal Service Domestic Mail Manual. Installation and maintenance of each mail receptacle shall meet all of the specifications and requirements of the United States Postal Service.

(b) Notwithstanding the date of construction of the residential hotel, each mail receptacle shall comply with the requirements of the Fair Housing Act (42 U.S.C. Sec. 3601).

(c) Notwithstanding Sections 17922, 17958, and 17958.5, a city, county, or city and county may enact and enforce ordinances which provide greater protections, additional standards, and increased remedies with respect to the provision of a locking mail receptacle for each residential unit in a residential hotel.

(d) This section shall become operative on July 1, 2008.

17958.4. (a) Any city, county, or city and county, may, by ordinance, establish a date by which all residential real property with security window bars on bedroom windows shall meet current state and local requirements for safety release mechanisms on security window bars consistent with the applicable standards in the 1995 edition of the California Building Standards Code, or, for safety release mechanisms on security window bars installed on or after January 1, 2008, the current edition of the California Building Standards Code, and any changes thereto made by the city, county, or city and county pursuant to Section 17958.

(b) Disclosures of the existence of any safety release mechanism on any security window bar shall be made in writing, and may be included in existing transactional documents, including, but not limited to, a real estate sales contract or receipt for deposit, or a transfer disclosure statement pursuant to Section 1102.6 or 1106.6a of the Civil Code.

(c) Enforcement of an ordinance adopted pursuant to subdivision (a) shall not apply as a condition of occupancy or at the time of any
transfer that is subject to the Documentary Transfer Tax Act, Part 6.7 (commencing with Section 11901) of the Revenue and Taxation Code.

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, geological, 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.

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.

17958.8. Local ordinances or regulations governing alterations and repair of existing buildings shall permit the replacement, retention, and extension of original materials and the use of original methods of construction for any building or accessory structure subject to this part, including a hotel, lodginghouse, motel, apartment house, or dwelling, or portions thereof, as long as the portion of the building and structure subject to the replacement, retention, or extension of original materials and the use of original methods of construction complies with the building code provisions governing that portion of the building or accessory structure at the time of construction, and the other rules and regulations of the department or alternative local standards governing that portion at the time of its construction and adopted pursuant to Section 13143.2 and the building or accessory structure does not become or continue to be a substandard building.

17958.9. Local ordinances or regulations governing the moving of apartment houses and dwellings shall, after July 1, 1978, permit the retention of existing materials and methods of construction so long as the apartment house or dwelling complies with the building standards for foundation applicable to new construction, and does not become or continue to be a substandard building.
17958.11. (a) Any city or county may adopt alternative building regulations for the conversion of commercial or industrial buildings, or portions thereof, to joint living and work quarters. As used in this section, "joint living and work quarters" means residential occupancy by a family maintaining a common household, or by not more than four unrelated persons, of one or more rooms or floors in a building originally designed for industrial or commercial occupancy which include (1) cooking space and sanitary facilities in conformance with local building standards adopted pursuant to Section 17958 or 17958.5 and (2) adequate working space reserved for, and regularly used by, one or more persons residing therein.

The alternative building regulations adopted pursuant to this section shall be applicable in those geographic areas specifically designated for such occupancy, or as expressly permitted by a redevelopment plan with respect to a redevelopment project area. The alternative building regulations need not impose the same requirements as regulations adopted pursuant to Section 17922, except as otherwise provided in this section, but in permitting repairs, alterations, and additions necessary to accommodate joint living and work quarters, the alternative building regulations shall impose such requirements as will, in the determination of the local governing body, protect the public health, safety, and welfare.

(b) The Legislature hereby finds and declares that a substantial number of manufacturing and commercial buildings in urban areas have lost manufacturing and commercial tenants to more modern manufacturing and commercial premises, and that the untenanted portions of such buildings constitute a potential resource capable, when appropriately altered, of accommodating joint living and work quarters which would be physically and economically suitable particularly for use by artists, artisans, and similarly-situated individuals. The Legislature further finds that the public will benefit by making such buildings available for joint living and work quarters for artists, artisans, and similarly-situated individuals because (1) conversion of space to joint living and work quarters provides a new use for such buildings contributing to the revitalization of central city areas, (2) such conversion results in building improvements and rehabilitation, and (3) the cultural life of cities and of the state as a whole is enhanced by the residence in such cities of large numbers of persons regularly engaged in the arts.

(c) The Legislature further finds and declares that (1) persons regularly engaged in the arts require larger amounts of space for the pursuit of their artistic endeavors and for the storage of materials therefor, and of the products thereof, than are regularly found in dwellings, (2) the financial remunerations to be obtained from a career in the arts are generally small, (3) persons regularly engaged in the arts generally find it financially difficult to maintain quarters for their artistic endeavors separate and apart from their places of residence, (4) high property values and resulting rental costs make it particularly difficult for persons regularly engaged in the arts to obtain the use of the amount of space required for their work, and (5) the residential use of such space is accessory to the primary use of such space as a place of work.

It is the intent of the Legislature that local governments have discretion to define geographic areas which may be utilized for joint living and work quarters and to establish standards for such occupancy, consistent with the needs and conditions peculiar to the
local environment. The Legislature recognizes that building code regulations applicable to residential housing may have to be relaxed to provide joint living and work quarters in buildings previously used for commercial or industrial purposes.

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.

17959.1. (a) A city or county shall administratively approve applications to install solar energy systems though the issuance of a building permit or similar nondiscretionary permit. However, if the building official of the city or county has a good faith belief that the solar energy system could have a specific, adverse impact upon the public health and safety, the city or county may require the applicant to apply for a use permit.

(b) A city or county may not deny an application for a use permit to install a solar energy system unless it makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. This finding shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.

(c) Any conditions imposed on an application to install a solar energy system must be designed to mitigate the specific, adverse impact upon the public health and safety at the lowest cost possible.

(d) (1) A solar energy system shall meet applicable health and safety standards and requirements imposed by state and local permitting authorities.

(2) A solar energy system for heating water shall be certified by the Solar Rating Certification Corporation (SRCC) or other nationally recognized certification agency. SRCC is a nonprofit third party supported by the United States Department of Energy. The certification shall be for the entire solar energy system and installation.

(3) A solar energy system for producing electricity shall meet all applicable safety and performance standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

(e) The following definitions apply to this section:

(1) "A feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes, but is not limited to, any cost effective method, condition, or mitigation imposed by a city or county on another similarly situated application in a prior successful application for a permit. A city or county shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 714 of the Civil Code.

(2) "Solar energy system" has the meaning set forth in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code.

(3) A "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective,
identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

17959.3. (a) It is the intent of the Legislature to encourage the use of passive solar energy design. The Legislature recognizes that building code regulations with regard to natural light and ventilation standards have to be modified to permit existing buildings to be retrofitted with passive solar energy.

(b) Notwithstanding Section 17922, any city or county may by ordinance or regulation permit windows required for light and ventilation of habitable rooms in dwellings to open into areas provided with natural light and ventilation which are designed and built to act as passive solar energy collectors.

(c) On or before September 1, 1999, the department shall, after consulting with the State Energy Resources Conservation and Development Commission, prepare, adopt, and submit building standards to implement the provisions of this section for approval as part of the California Building Standards Code pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5.

17959.4. The housing appeals board may, in cases of extreme hardship to owner-occupants or tenants of dwellings, provide for deferral of the effective date of orders of abatement. Any deferral of the effective date of an order of abatement under this section shall terminate upon any sale or transfer of the dwelling by the owner-occupant but shall not terminate upon the sale or transfer of the dwelling if the dwelling is occupied by a tenant other than the owner-occupant.

17959.5. The housing appeals board may, upon appeal or upon application by the owner, grant variances from local use zone requirements in order to permit an owner-occupant of a dwelling to construct an addition to a dwelling to meet occupancy standards relating the number of persons in a household to the number of rooms or bedrooms. This power of the housing appeals board shall be in addition to, and shall not otherwise affect, the powers of other governmental boards and agencies to allow local use zone variances.

17959.6. (a) Ninety days after the Department of Housing and Community Development certifies and makes available a standard form pursuant to subdivision (h), but in no event sooner than July 1, 2004, for housing developments for which a building permit application is submitted on or after that date, a developer of any new for-sale residential housing development, including, but not limited to, a single family dwelling, duplex, triplex, townhouse, condominium, or other homes, shall provide to a buyer a list of universal accessibility features that would make the home entrance, interior routes of travel, the kitchen, and the bathrooms fully accessible to persons with disabilities.

(b) (1) (A) The list shall include the features described in paragraphs (2) to (7), inclusive, and any others that the developer deems necessary or appropriate to effectuate the purposes of this section.

(B) To the extent that any of the features described in paragraphs (2) to (7), inclusive, are included in Chapter 11A of the California Building Code (Part 2 of Title 24 of the California Code of
Regulations), they shall be listed consistent with, and shall be installed in a manner at least consistent with, that chapter. A developer that lists and installs materials and features in a manner at least consistent with Chapter 11A or successor chapters of the California Building Code, shall be deemed to be in compliance with the requirements of this subparagraph. Other features shall be listed and installed in a manner appropriate to effectuate the purposes of this section.

(C) Notwithstanding subparagraph (B), the developer and buyer may agree in writing to different standards than those provided in subparagraph (B) if the different standards and their deviation from the standards in subparagraph (B) are clearly disclosed.

(2) General external adaptations:
   (A) Accessible route of travel to the dwelling unit.
   (B) Accessible landscaping of the side and rear yards.
   (C) Accessible route from the garage or parking area to the dwelling unit primary and secondary entries.

(3) Doors, openings, and entries:
   (A) Accessible primary front door, doorway, and threshold.
   (B) Accessible interior doors and doorways.
   (C) Accessible secondary exterior doors, doorways, and thresholds.
   (D) Accessible levered handles on all specified doors.
   (E) An entry door sidelight or high and low peephole viewers.
   (F) Visual fire alarms and visual doorbells.
   (G) Accessible sliding glass door.

(4) General interior adaptations:
   (A) Accessible routes to at least one bedroom, bathroom, and kitchen from the primary entrance.
   (B) Accessible switches, outlets, and thermostats.
   (C) Visual fire alarms and visual doorbells.
   (D) Rocker light switches.
   (E) Closet rods and shelves adjustable from three feet to five feet six inches high.
   (F) A residential elevator or lift.
   (G) If provided, a service porch with accessible workspace, cabinets, and appliances.

(5) Kitchen:
   (A) Adequate accessible clear floorspace at appliances.
   (B) Repositionable sink and countertop workspaces.
   (C) Accessible cabinets and drawers, including pullout shelves, bread boards, and Lazy Susans.
   (D) Accessible sink features and controls.
   (E) Accessible built-in or provided appliances, including refrigerator, stove, oven, dishwasher, and countertop microwave or convection oven.
   (F) Enhancements such as a contrasting color edge at countertops, contrasting floor designs marking accessible routes and work areas, antiscald device on plumbing fixtures, and undercabinet lighting.

(6) Bathrooms and powder rooms (applicable to one or more bathrooms, at the option of the buyer):
   (A) Grab bar backing and grab bars in all requested locations.
   (B) Accessible clear floorspace and turning circles.
   (C) Accessible sink (lavatory) with adequate knee space and protection.
   (D) Accessible toilet (water closet).
   (E) Accessible roll-in shower in lieu of a standard tub or shower.
   (F) Accessible faucet handles and an adjustable handheld
showerhead.

(G) Enhancements such as a contrasting color edge at countertops, contrasting floor designs marking accessible routes and work areas, and antiscald device on plumbing fixtures.

(7) Any other external or internal feature requested at a reasonable time by the buyer that is reasonably available and reasonably feasible to install or construct and makes the residence more usable for a person with disabilities in order to accommodate any type of disability.

(c) For each feature on the list required by subdivision (b), the developer shall indicate whether the feature is standard, limited, optional, or not available.

(d) If a developer chooses to offer those features listed in subdivision (b) as modifications that may be made to a home, the developer shall indicate on the list required by subdivision (b) at what point in the construction process the buyer must notify the developer that the buyer wishes to purchase the features.

(e) If a local jurisdiction adopts a model ordinance developed pursuant to Section 17959 that requires developers to provide standard or optional accessibility features in homes described in subdivision (b), a developer subject to that ordinance is required to include on the list required by subdivision (b) only those features beyond those required by the ordinance.

(f) Nothing in this section shall be construed to require a developer to provide the features listed in subdivision (b) during the construction process or at any other time, unless the developer has offered to provide a feature and the buyer has requested it and agreed to provide payment.

(g) Any willful violation by a developer of this section shall be punishable by a civil penalty of five hundred dollars ($500).

(h) The department may adopt regulations that it determines are necessary and appropriate for the use and enforcement of this section. The regulations may include, but not be limited to, providing specificity to any features not otherwise covered as mandatory features in Chapter 11A or 11B of the California Building Code, additional mandatory requirements for forms, and additional procedures for offer or acceptance of features. The department may develop, certify, and make available a standard form providing the information required by this section, except for costs, and that standard form shall be exempt from adoption pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). A developer's use of a form substantially the same as that developed and distributed by the department shall be deemed to comply with this section.

(i) Pursuant to Section 17959, upon adoption by the department of guidelines or a model ordinance that defines those features deemed to provide universal accessibility, those guidelines or that model ordinance shall supersede the features listed in subdivision (b).

(j) This section shall not be construed to require action by the California Building Standards Commission pursuant to the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code).
18935. (a) Notice of proposed building standards shall be given and hearings shall be held by the adopting agencies, as required by the Administrative Procedure Act, prior to the adoption of the building standards and submission to the commission for approval. The notice of proposed building standards and the initial statement of reasons for the proposed building standards shall comply with Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. The adopting agency or state agency that proposes the building standards shall submit the notice and initial statement of reasons for proposed building standards to the California Building Standards Commission, which shall review them for compliance with Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. If the commission determines that the adopting agency or state agency that proposes the building standards has complied with Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code, the commission shall approve the notice and initial statement of reasons for proposed building standards, and submit them to the Office of Administrative Law for the sole purpose of inclusion in the California Regulatory Notice Register. The Office of Administrative Law shall publish only those notices of proposed building standards which have been approved by, and submitted to, the office by the California Building Standards Commission.

(b) In order to ensure an absence of conflict between hearings and a maximum opportunity for interested parties to be heard, no hearings by adopting agencies shall be conducted unless the time and place thereof has been approved in writing by the commission prior to public notices of the hearing being given by the adopting agencies.

(c) If, after building standards are submitted to the commission for approval, the commission requires changes therein as a condition for approval, and the changes are made, no additional hearing by the affected state agency shall be required in connection with making the changes when the commission determines the changes are nonsubstantial, solely grammatical in nature, or are sufficiently related to the text submitted to the commission for approval that the public was adequately placed on notice that the change could result from the originally proposed building standards.

18936. The commission shall mail notices of meetings with respect to its proposed action on any building standards to any design profession organizations, chambers of commerce, consumer groups, building and construction industry organizations, governmental agencies, and other parties and organizations that have submitted a written request therefor at least 15 days prior to any meeting thereon, provided that the failure to do so shall not invalidate any commission action.

18937. (a) Emergency standards shall be acted on by the commission
within 30 days and only when the adopting agency or state agency that proposes the building standards has made the finding of emergency required by Sections 11346.1 and 11346.5 of the Government Code and the adopting agencies have adopted the emergency standard in compliance with Section 11346.1 of the Government Code, and the commission concurs with that finding. Both the concurrence and the approval of the emergency building standards require an affirmative vote of two-thirds of the members of the commission attending a meeting, or not less than six affirmative votes, whichever is greater.

(b) Emergency standards approved by the commission pursuant to subdivision (a) shall be filed by the commission pursuant to Section 11346.1 of the Government Code and shall be subject to that 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 Conservation 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.

18938.3. With respect to the model codes that are designated in Sections 17922 and 18938 to serve as the basis for the California Building Standards Code but are no longer published, the building standards adopted and approved by the commission shall be those contained in the most recent editions of the model codes adopted or approved by the commission to serve as the basis for the 2007 triennial edition of the California Building Standards Code. Those model codes designated in Sections 17922 and 18938 that continue to be published and updated shall continue to serve as the basis for the California Building Standards Code. With respect to Section 17922, other model codes may be considered for use, proposal, approval, or adoption, or any combination thereof, provided they do not duplicate building standards, as proposed by the Department of Housing and Community Development and adopted by the commission, the subject matter of the model codes which serve as the basis for the 2007 triennial edition of the California Building Standards Code.

18938.5. (a) Only those building standards approved by the commission, and that are effective at the local level at the time an application for a building permit is submitted, shall apply to the plans and specifications for, and to the construction performed under, that building permit.

(b) (1) A local ordinance adding or modifying building standards for residential occupancies, which are published in the California Building Standards Code, shall apply only to an application for a building permit submitted after the effective date of the ordinance and to the plans and specifications for, and the construction performed under, that permit.

(2) Paragraph (1) shall not apply to any of the following:
(A) A city or county that has been subject to an emergency proclaimed pursuant to the California Emergency Services Act (Chapter 7 (commencing with Section 8850) of Division 1 of Title 2 of the Government Code).
(B) A permit that is subsequently deemed expired because the building or work authorized by the permit is not commenced within 180 days from the date of the permit, or the permittee has suspended or abandoned the work authorized by the permit at any time after the work is commenced.
(C) A permit that is subsequently deemed suspended or revoked because the building official has, in writing, suspended or revoked the permit due to its issuance in error or on the basis of incorrect
information supplied.

(c) No model code made applicable to any additional occupancy shall apply to any project that has been submitted for a building permit prior to the effective date of that model code.

18940. Codification of building standards approved by the commission shall be incorporated into the code and shall not be incorporated into other individual titles of state agencies in the California Code of Regulations.

18940.5. As part of the next triennial update of the California Building Standards Code (Title 24 of the California Code of Regulations) adopted after January 1, 2014, agencies that propose green building standards for inclusion in Part 11 of Title 24 of the California Code of Regulations shall, to the extent that it is feasible, reference or reprint the green building standards in other relevant portions of Part 2, 2.5, 3, 4, 5, or 6 of Title 24 of the California Code of Regulations. For purposes of compliance with this section, the republication of the provisions of Part 11 of Title 24 of the California Code of Regulations in other parts of Title 24 of the California Code of Regulations shall not be considered duplication in violation of paragraph (1) of subdivision (a) of Section 18930.

18940.6. (a) For purposes of this section, "recycled water" has the same meaning as that term is defined in subdivision (n) of Section 13050 of the Water Code, and is consistent with the recycled water use criteria specified in Chapter 3 (commencing with Section 60301.100) of Division 4 of Title 22 of the California Code of Regulations.

(b) (1) The California Building Standards Commission shall conduct research to assist in the development of mandatory green building standards for the installation of recycled water systems for newly constructed commercial and public buildings, in consultation with the State Water Resources Control Board and other interested parties, including, but not limited to, public water systems, recycled water producers, product manufacturers, local building officials, apartment and other rental property owners, California-licensed contractors, and the building industry.

(2) In researching, developing, and proposing mandatory building standards under this section, the commission is authorized to expend funds from the Building Standards Administration Special Revolving Fund, upon appropriation pursuant to Section 18931.7.

(3) Research conducted in order to propose building standards pursuant to this section shall include, but is not limited to, the following:

(A) Potential outdoor applications for recycled water, consistent with the recycled water use criteria specified in Chapter 3 (commencing with Section 60301.100) of Division 4 of Title 22 of the California Code of Regulations.

(B) Potential indoor applications for recycled water, consistent with the recycled water use criteria specified in Chapter 3 (commencing with Section 60301.100) of Division 4 of Title 22 of the California Code of Regulations. With respect to indoor applications, the commission shall consider whether to adopt or recommend measures in addition to the current standards adopted in the California Plumbing Code in Title 24 of the California Code of Regulations, to
ensure the safe installation of indoor recycled water piping or systems, including, but not limited to, requiring purple pipe or special markings on recycled water piping or systems that states clearly whether it is approved for indoor use, or recommending restrictions on who may purchase or install recycled water piping for indoor use.

(C) The cost of various recycled water systems.

(D) The estimated quantity of water savings under varying levels of application of recycled water in commercial and public buildings and building site landscaped areas.

(4) The commission may research standards for different types of water recycling systems, including noncentralized systems, but shall only mandate systems to the extent that they meet all of the health and safety standards specified in this section.

(c) (1) The commission shall adopt mandatory building standards for the installation of recycled water systems for newly constructed commercial and public buildings. The commission shall consider the proposed mandatory building standards during the 2016 Intervening Code Adoption Cycle and may amend these mandatory standards as necessary in future code adoption cycles, consistent with the recycled water use criteria specified in Chapter 3 (commencing with Section 60301.100) of Division 4 of Title 22 of the California Code of Regulations.

(2) When developing the application provisions for the mandatory building standards, the commission shall limit the mandate to install recycled water systems within commercial and public buildings and building site landscaped areas to only those areas within a local jurisdiction that have feasible and cost-efficient access to a water recycling facility, or that have been identified by the local jurisdiction within a planned service area for the provision of recycled water for which a specific implementation timeline has been identified by the public water system in its most recent urban water management plan.

(3) The mandate to install recycled water piping shall not apply to service areas in which the only recycled water use is for potable purposes, or in which net nonpotable deliveries are anticipated to remain level or decrease as a result of the potable reuse project.

(4) The commission shall develop the application provisions for the mandatory building standards required under paragraph (1) in consultation with the State Water Resources Control Board, public water systems, recycled water producers, and water research associations.

(5) A city, county, or city and county, in consultation with the public water system and recycled water producer, may further reduce the area for which the mandate to install recycled water piping applies, if the local public water system or recycled water producer finds that providing recycled water to an area is not feasible or cost effective.

18941. All building standards shall be administered and enforced and, whenever practicable, written on a performance basis consistent with state and nationally recognized standards for building construction in view of the use and occupancy of each structure to preserve and protect the public health and safety.

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 13869.7. 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.

18941.6. (a) Notwithstanding any other provision of this part, ordinances and programs adopted on or before January 1, 1993, that contain standards to strengthen potentially hazardous buildings pursuant to subdivision (b) of Section 8875.2 of the Government Code, shall incorporate the building standards in Appendix Chapter 1 of the Uniform Code for Building Conservation of the International Conference of Building Officials published in the California Building Standards Code, except for standards found by local ordinance to be inapplicable based on local conditions, as defined in subdivision (b), or based on an approved study pursuant to subdivision (c), or both. Ordinances and programs shall be updated in a timely manner to reflect changes in the model code, and more frequently if deemed necessary by local jurisdictions.

(b) For the purpose of subdivision (a), and notwithstanding the meaning of "local conditions" as used elsewhere in this part and Part 2.5 (commencing with Section 18901), the term "local conditions" shall be limited to those conditions that affect the implementation of seismic strengthening standards on the following only:

1. The preservation of qualified historic structures as governed by the State Historical Building Code (Part 2.7 (commencing with Section 18950)).
2. Historic preservation programs, including, but not limited to, the California Mainstreet Program.
3. The preservation of affordable housing.

(c) Any ordinance or program adopted on or before January 1, 1993, may include exceptions for local conditions not defined in subdivision (b) if the jurisdiction has approved a study on or before January 1, 1993, describing the effects of the exceptions. The study shall include a seismic hazards assessment, seismic retrofit cost comparisons, and earthquake damage estimates for a major earthquake, including the differences in costs, deaths, and injuries between full compliance with Appendix Chapter 1 of the Uniform Code for Building Conservation and the ordinance or program. No study shall be required pursuant to this subdivision if the exceptions for local conditions
not defined in subdivision (b) result in standards or requirements that are more stringent than those in Appendix Chapter 1 of the Uniform Code for Building Conservation.

(d) Ordinances and programs adopted pursuant to this section shall be conclusively presumed to comply with the requirements of Chapter 173 of the Statutes of 1991.

18941.7. Subject to Section 14877.3 of the Water Code, a city, county, or other local agency may adopt, after a public hearing and enactment of an ordinance or resolution, building standards that are more restrictive than the graywater building standards adopted by the Department of Housing and Community Development under Section 17922.12 and published in the California Building Standards Code.

18941.8. (a) As used in this section, "graywater" has the same meaning as defined in Section 17922.12.

(b) Notwithstanding Chapter 22 (commencing with Section 14875) of Division 7 of the Water Code, as a part of the next triennial edition of the California Building Standards Code (Title 24 of the California Code of Regulations) adopted after January 1, 2011, the commission shall adopt building standards for the construction, installation, and alteration of graywater systems for indoor and outdoor uses in nonresidential occupancies.

(c) In adopting building standards under this section, the commission shall do all of the following:

(1) Ensure protection of water quality in accordance with applicable provisions of state and federal water quality law.

(2) Consider the adopted building standards for the construction, installation, and alteration of graywater systems for indoor and outdoor uses in residential buildings.

(3) Consider existing research available on the environmental consequences to soil and groundwater of short-term and long-term graywater use for irrigation purposes.

(4) Consider graywater use impacts on human health.

(5) Consider the circumstances under which the use of graywater treatment systems in nonresidential occupancies is recommended.

(6) Consider the use and regulation of graywater in other jurisdictions.

(7) Use Chapter 16 of the Uniform Plumbing Code, adopted by the International Association of Plumbing and Mechanical Officials, as the starting point for the building standards and amend those standards as necessary.

(d) The commission may revise and update the standards adopted under this section at any time.

(e) The commission's adoption of building standards for graywater systems pursuant to this section shall terminate the authority of the Department of Water Resources to adopt and update standards for the installation, construction, and alteration of graywater systems in nonresidential buildings pursuant to Chapter 22 (commencing with Section 14875) of Division 7 of the Water Code.

18941.9. The commission shall, in the next triennial adoption process for the code adopted after the development of a standard specification by the Department of Transportation pursuant to subdivision (b) of Section 71400 of the Public Resources Code, consider incorporating that specification as an additional strategy for Heat Island Effect: Hardscape Alternatives in the California
Green Building Standards Code (Section A5.106.11.1 of Appendix 5 of Part 11 (commencing with Section 101.1) of Title 24 of the California Code of Regulations).

18941.10. (a) (1) The commission shall, commencing with the next triennial edition of the California Building Standards Code (Title 24 of the California Code of Regulations) adopted after January 1, 2014, adopt, approve, codify, and publish mandatory building standards for the installation of future electric vehicle charging infrastructure for parking spaces in multifamily dwellings and nonresidential development.

(2) For purposes of paragraph (1), the Department of Housing and Community Development shall propose mandatory building standards for the installation of future electric vehicle charging infrastructure for parking spaces in multifamily dwellings and submit the proposed mandatory building standards to the commission for consideration.

(b) (1) In proposing and adopting mandatory building standards under this section, the Department of Housing and Community Development and the commission shall use Sections A4.106.6, A4.106.6.1, A4.106.6.2, A5.106.5.1, and A5.106.5.3 of the California Green Building Standards Code (Part 11 of Title 24 of the California Code of Regulations) as the starting point for the mandatory building standards and amend those standards as necessary.

(2) In proposing and adopting mandatory building standards under this section, the Department of Housing and Community Development and the commission shall actively consult with interested parties, including, but not limited to, investor-owned utilities, municipal utilities, manufacturers, local building officials, commercial building and apartment owners, and the building industry.

18942. (a) The commission shall publish, or cause to be published, editions of the code in its entirety once in every three years. In the intervening period the commission shall publish, or cause to be published, supplements as necessary. For emergency building standards defined in subdivision (a) of Section 18913, an emergency building standards supplement shall be published whenever the commission determines it is necessary.

(b) The commission shall publish the text of Article 2.5 (commencing with Section 115920) of Chapter 5 of Part 10 of Division 104, within the requirements for single-family residential occupancies contained in Part 2.5 of Title 24 of the California Code of Regulations, with the following note:

"NOTE: These regulations are subject to local government modification. You should verify the applicable local government requirements at the time of application for a building permit."

(c) The commission shall publish the text of Section 116064.2 within Part 2 of Title 24 of the California Code of Regulations.

(d) The commission may publish, stockpile, and sell at a reasonable price the code and materials incorporated therein by reference if it deems the latter is insufficiently available to the public, or unavailable at a reasonable price. Each state department concerned and each city, county, or city and county shall have an up-to-date copy of the code available for public inspection.
(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 8, 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.

18942.1. (a) If a regulation or order of repeal is filed with the Office of Administrative Law, and if it appears to be a building standard, as defined by Section 18909, which has not been approved by the commission, the Office of Administrative Law shall consult with the commission or the commission's staff to determine the character and status of the filed regulation or order. Any building standard improperly transmitted to the Office of Administrative Law, as determined according to this section, shall not be then filed with the Secretary of State, but, instead, the Office of Administrative Law shall transmit the building standard to the commission and notify the adopting agency of this action.

(b) If an administrative regulation or order of repeal is filed with the commission and it does not directly apply to the implementation or enforcement of a building standard, it shall not be submitted to the commission for action, but, instead, the commission shall transmit the regulations to the Office of Administrative Law and notify the submitting agency of this action.

18943. Building standards in individual titles of the California Code of Regulations other than the California Building Standards Code shall have no force or effect after January 1, 1985.

18944. State agencies shall adopt regulations for publication in the titles of the California Code of Regulations containing other regulations of the agency to identify, by reference, the appropriate sections of the California Building Standards Code containing those building standards for which that agency has enforcement responsibility.

18944.5. The code shall be binding on the state and other public agencies, including federal agencies to the extent permitted by federal law, in the same manner as it binds private parties or entities.

18944.7. The alternative building regulations and building standards authorized under the State Historical Building Code (Part 2.7 (commencing with Section 18950) of Division 13) which have been published in Part 8 of the California Building Standards Code shall be maintained as a separate and distinct part or portion of the California Building Standards Code pursuant to that title.

18944.11. On or before July 1, 2009, any state agency that adopts or proposes building standards for plumbing systems shall consider developing building standards that would govern the use of
nonwater-supplied urinals for submission to the California Building Standards Commission in accordance with Sections 17921.4 and 18930.

18944.18. (a) The California Building Standards Commission, in conjunction with the Office of Statewide Health Planning and Development, shall repeal Section 1226.7 of the 2013 Triennial Edition of the California Building Standards Code, including all cross-references to that section, as soon as possible. The Office of Statewide Health Planning and Development is granted emergency regulatory authority to implement this subdivision. Notwithstanding the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the regulations adopted under this subdivision shall become permanent without further regulatory action.

(b) The State Department of Public Health shall, no later than July 1, 2014, repeal the regulations relating to abortion services in primary care clinics contained in Article 5 (commencing with Section 75040) of Chapter 7 of Division 5 of Title 22 of the California Code of Regulations.
38660. The legislative body of a city may:
   (a) Regulate the construction of and the materials used in all
       buildings, chimneys, stacks, and other structures and in foundations
       and foundation walls.
   (b) Regulate the construction, repair, or alteration of buildings
       pursuant to Health and Safety Code Section 15153.
   (c) Prevent the erection and maintenance of unsafe building walls,
       chimneys, stacks, or other structures.
   (d) Provide for the summary abatement, destruction, or removal of
       such unsafe structures and of unsightly or partially destroyed
       buildings.
   (e) Regulate the construction and location of drains and sewers.
   (f) Regulate the materials used in wiring structures for
       electricity and in piping them for a water, gas, or electric supply,
       and regulate the manner of such piping.
   (g) Prohibit the construction of structures not conforming to such
       regulations.
50020. When a statute requires a local agency to take legislative action by resolution and the local agency is required by its charter to take legislative action by ordinance, action by ordinance is compliance with the statute for all purposes.

50022.1. (a) "Code," as used in this article, means any statute, or any published compilation of rules, regulations or standards adopted by the federal government or the State of California, or by any agency of either of them. It shall include any codification or compilation of existing ordinances of the adopting local agency. It shall include any nationally recognized or approved published compilations of proposed rules, regulations or standards of any private organization or institution which has been in existence for a period of at least three years.

(b) "Primary code," as used in this article, means any code which is directly adopted by reference, in whole or in part, by any ordinance passed pursuant to this article.

(c) "Secondary code," as used in this article, means any code which is incorporated by reference, directly or indirectly, in whole or in part, in any primary code or in any secondary code.

(d) "Published," as used in this article, means issued in printed, lithographed, multigraphed, mimeographed or similar form.

(e) "Approved," as used in this article, means the approval of the legislative body of the local agency, as the result of investigation and tests conducted by such agency or by reason of the accepted principles or tests by recognized national or state authorities, technical, or scientific organizations.

50022.2. Provided that all the procedures and requirements of this article are complied with, any local agency is hereby authorized to enact any ordinance which adopts any code by reference, in whole or in part; and such primary code, thus adopted, may in turn adopt by reference, in whole or in part, any secondary codes duly described therein. Every primary code which is incorporated in any such adopting ordinance shall be specified in the title of the ordinance. A local agency ordinance may adopt a code, the adoption of which is expressly required or permitted as a condition of compliance with a state statute, by reference without complying with the procedures and requirements of this article.

50022.3. After the first reading of the title of the adopting ordinance and of the title of the code to be adopted thereby, and of the title of the secondary codes therein adopted by reference, the legislative body shall schedule a public hearing thereon. Notice of the hearing shall be published pursuant to Section 6066 in a newspaper of general circulation in or nearest to the adopting local agency. If there is no such newspaper in the county the notice shall be posted in the same manner as provided for the posting of a proposed ordinance. The notice shall state the time and place of the hearing. It shall also state that copies of the primary code and also
copies of the secondary codes, if any, being considered for adoption, are on file with the clerk of the legislative body, and are open to public inspection. The notice shall also contain a description which the legislative body deems sufficient to give notice to interested persons of the purpose of the ordinance and the subject matter thereof.

50022.4. After the hearing, the legislative body may amend, adopt or reject the adopting ordinance in the same manner in which it is empowered to act in the case of other ordinances; and, except as to the adoption of a code of existing ordinances of the adopting agency, nothing in this article shall be deemed to permit the adoption by reference of any penalty clauses which may appear in any code which is adopted by reference. Any such penalty clauses may be enacted only if set forth in full, and published, in the adopting ordinance. It is further provided that all changes or additions to any code made by the legislative body shall be published in the manner which is required for ordinances.

50022.5. Nothing contained in this article shall be deemed to relieve any local agency from the requirement of publishing in full the ordinance that adopts any code, and all provisions applicable to the publication shall be fully carried out.

50022.6. At least one copy of each primary code adopted by reference, and of each secondary code pertaining thereto, all certified to be true copies by the clerk of the legislative body, shall be filed in the office of the clerk of the legislative body at least 15 days preceding the hearing, and shall be kept there for public inspection while the ordinance is in force. However, after the adoption of the code by reference, one copy of the primary code and of each secondary code may be kept in the office of the chief enforcement officer instead of in the office of the clerk of the legislative body.

50022.7. If at any time any code which any local agency has previously adopted by reference, shall be amended by the agency which originally promulgated or adopted it, then the legislative body may adopt such amendment or amended code by reference through the same procedure as required for the adoption of the original code; or an ordinance may be enacted in regular manner, setting forth the entire text of such amendment.