**TOWN OF SAN ANSELMO**
**RESOLUTION NO. 4051**

# A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO ADOPTING FINDINGS OF FACT AND CONFIRMING NEED FOR MODIFICATIONS TO THE STATE CONSTRUCTION CODES BECAUSE OF LOCAL CONDITIONS

**WHEREAS**, the Town Council of the Town of San Anselmo is considering the adoption of the following State Construction Codes, with certain modifications:

(a) 2013 edition of the California Building Code (CBC)(Title 24 Part 2) based upon the 2012 International Building Code (IBC) including Appendix G, Flood-Resistant Construction, Appendix H, Signs, Appendix I, Patio Covers, and Appendix J, Grading.
(b) 2013 edition of the California Residential Building Code (CBC)(Title 24 Part 2.5) based upon the 2012 International Residential Code including Appendix G, Swimming Pools, Appendix H, Patio Covers, Appendix J, Existing Buildings, Appendix K, Sound Transmission.
(c) 2013 edition of the California Electrical Code (CEC)(Title 24 Part 3) based upon the 2011 National Electrical Code (NEC).
(d) 2013 edition of the California Mechanical Code (CMC)(Title 24 Part 4) based upon the 2012 Uniform Mechanical Code (UMC).
(e) 2013 edition of the California Plumbing Code (CPC)(Title 24 Part 5) based upon the 2012 Uniform Plumbing Code (UPC).
(f) 2013 edition of the California Energy Code (CEC)(Title 24 Part 6).
(g) 2013 California Historical Building Code (Title 24 Part 8)
(h) 2010 California Green Building Standards Code (CALGreen)(Title 24 Part 11).
(i) 2012 International Property Maintenance Code (IPMC).

**AND, WHEREAS**, pursuant to Section 17958.5, 17958.7 and 18941.5 of the State of California Health and Safety Code, the Town Council of the Town of San Anselmo is required to make certain findings of fact to adopt modifications to the above referenced State Construction Codes,

**NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:**

Pursuant to Sections 17958.5, 17958.7 and 18941.5 of the State of California Health and Safety Code, the Town Council of the Town of San Anselmo finds that the proposed modifications to the above-referenced State Construction Codes (attached hereto) are reasonably necessary because of the local climatic, geological, and topographical conditions set forth below.

The Council recognizes and finds that, because of the steep terrain, narrow roads, proximity to the San Andreas and Hayward seismic faults, and the potential flooding of the San Anselmo Creek, unique conditions exist that require special consideration whenever construction is proposed within the Town. Additionally, due to the high temperatures, humidity, rainfall, wind, and restricted accessibility by fire apparatus, and the lack of water supply for domestic use and fire suppression, there are hazards within the Town that require solutions in addition to those specified within the various construction codes.

The Council finds that local, climatic, geological, and topographical conditions exist within the Town that require special provisions for the safety of residents and property.

A. A large portion of the Town is located within FEMA Flood Zone A and historically has sustained significant damage due to rain runoff and the water from the San Anselmo Creek overflowing its banks.
B. The Town is designated as within Seismic Design Categories D, E and F and is located in close proximity to the San Andreas and Hayward seismic faults indicated by the U.S. Geological Survey and California Division of Mines and Geology.
C. The hilly areas are susceptible to earth sliding due to both uncontrolled storm water drainage and geology.
D. The Town is densely populated with virtually all structures constructed of wood framing and most with combustible exterior materials.
E. Many buildings were erected prior to the enactment of modern zoning and building codes with the result that many are located with little to no property setbacks which can negatively affect the provision of fire protection services at those locations.
F. The hilly topography of most of the Town, combined with the narrow roads, adversely impact the fire department's ability to respond to emergency situations.
G. The water pressure and supply available for fire suppression is limited in the hilly areas of the Town.

In recognition of these unique and serious hazards, and in the interest of public health and safety and prevention of loss of life and property, the Council finds that the Code modifications set forth in the attached proposed ordinance are reasonably necessary. The following findings apply to each of the proposed modifications:

**Amend Chapter 1, Article 2, Section 9-1.201 through Section 9-1.208 as follows:**

**Article 2. Amendments**

**9-1.201 Buried Utilities** (*CBC 112*)(CRC R111)(CEC 230)
All electrical and communication service laterals, including those for cable television service, to any new building or structure *or building or structure undergoing a substantial improvement as defined by CBC Chapter 2* must be placed underground.

FINDINGS – Conditions B and C.

**9-1.202 Non-metallic Cable** (CEC 334)
Non-metallic electric cable (Type NM, NMC, NMS) is not allowed in electrical wiring in non-residential applications.

FINDINGS – Conditions A, D and E.

**9-1.203 Swimming Pools, Spas and Hot Tubs** (CBC 3109)(CRC Appendix G)
Design and construction must adhere to the most stringent requirements of California Building Code Section 3109, California Residential Code Appendix G and California Health & Safety Code Section 115921. Barriers enclosing a swimming pool must be at least 5' tall. Before water is placed in a pool for any reason, including the curing of the pool walls, a barrier at least 5' tall conforming to the requirements of CBC Section 3109.4 must be in place or a pool cover complying with ASTM F1346 must be installed and operational.

FINDINGS – Condition F.

**9-1.204** **Garage/Carport Ceiling Height** (CBC 1208)(CRC R305)
Private garages and carports shall have a clear ceiling height of not less than 7'.

FINDINGS – Conditions A, B, C, D, E, F and G.

**9-1.205** ***Size of Doors*** (CBC 1008)(CRC R311)
Except for access to a storage room or closet, all doors must be at least 6'-8" (80") high. Required exit doors must be side-hinged, swing type.

FINDINGS – Conditions A, B, C, D, E, F and G.

**9-1.206** **Roofing** (CBC 1505)(CRC R902)
For all new structures and any addition that exceeds 50% of the original area, the new roof must be covered with a Class A Roofing Assembly. A noncombustible roof may be applied in accordance with the manufacturer's requirements in lieu of a fire-retardant roofing assembly.

Existing buildings that have 50 percent or more of the roof surface replaced within a five-year period are required to totally replace the roof with a Class A roof assembly or be fire resistive by other provisions of this code.

FINDINGS – Conditions D, E, F and G.

**9-.1.207** **Permit and Application Expiration** (CBC *105*)(CRC R105)
(CEC Annex H 80.19)(CPC *103.3.3, 103.4.2)(CMC 113.4*)
The permit application process must be completed and a permit issued within 180 days of submittal. If the process is not completed and the permit issued within the allotted time, it shall expire. The building official may extend the permit application one time for a period up to 180 days. The request must be in writing and demonstrate the circumstances beyond the applicant's control that delayed the application. In order to renew action on an expired application, the applicant shall submit new plans and pay a new plan review fee.

In order for a construction permit to remain active, work must commence within 180 days after the permit is issued and remain continuously in progress. If work is suspended, abandoned or is not diligently progressing for a period up to 180 days, the permit shall expire. The building official may extend the permit expiration one time for up to 180 days if the applicant makes a written request before the expiration demonstrating circumstances beyond the applicant's control. If a permit expires, work may not resume until a new permit is obtained. If the period of expiration is less than 180 days, no changes are made to the plans and the original plans and specifications may be utilized, the applicant shall pay half the required amount for a new permit. Otherwise, the applicant must pay the full amount.

FINDINGS – Conditions A, B, C, D, E, F and G.

**9-1.208** **Fee Refunds** (CBC 109.6)(CRC R108.5)(CPC *103.4.4*)(CMC *114.6*)(*CEC 80.19)*
The building official may authorize refunding of any fee paid which was erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application is withdrawn or canceled before any plan review is done.

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

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

FINDINGS - Conditions A, B, C, D, E, F and G.

**9-1.213** ***Automatic Fire Sprinkler Systems*** *(CRC R313.1 and R313.2)*
*Automatic sprinkler systems shall be required in one- and two-family dwellings and townhouses where the structure is undergoing a substantial improvement as defined in CBC Chapter 2 and/or if so determined by the RVFD.*

FINDINGS – Conditions A, B, C, D, E, F and G.

**Amend Chapter 1, Article 5, Section 9-1.501 as follows:**

**Article 5. Violation, Penalties**

**9-1.501 Violations, Penalties**

(a) Stop work orders/work without permits or other actions in violations of this Code - For work performed in violation of this Code, an investigation/penalty fee shall be assessed up to three (3) times the construction permit fee. The minimum penalty fee for a permit shall be five hundred ($500) dollars. This applies to revisions, alterations, or changes on an authorized project where the work done is not within the scope of the originally authorized permit. The fee shall be due whether a permit is issued or not. Additional penalties may be assessed in the event of repeated violations.
(b) No new construction permits shall be issued for work on a property unless all existing violations and expired permits issued for work on such property are cleared by abatement, issue or reinstatement of a permit.
(c) The penalties imposed in this section are in addition to any penalties that may be imposed pursuant to other provisions of this Code.

FINDINGS - Conditions A, B, C, D, E, F and G.

**Amend Chapter 4, Section 9-4.01 as follows:**

**Chapter 4**
**UNDERGROUND ELECTRIC AND COMMUNICATION SERVICE LATERALS TO BUILDINGS AND STRUCTURES**

**9-4.01 Underground Utilities**

All electrical and communication service laterals, including those for cable television service, to any new building or structure *or building or structure undergoing a substantial*

*improvement as defined by CBC Chapter 2* shall be placed underground from the main service equipment within the building or structure to a location designated by the supplying utility in accordance with the supplying utility's applicable rules, regulations and tariffs on file with the Public Utilities Commission of the State or other competent jurisdiction. This applies to both commercial and residential property.

FINDINGS - Conditions B and C.

As required by the California Health and Safety Code Section 17958.7, the proposed amended State Construction Codes set forth each of the modifications to the State Construction Codes to which all the above findings refer.

I, the undersigned, hereby certify the foregoing is a full, true, and complete copy of a resolution duly passed and adopted by the Town Council of the Town of San Anselmo at a regular meeting thereof held on the 12th day of November, 2013, by the following vote:

AYES: Coleman, Dahlgren, Greene, Kroot, McInerney

NOES: None

ABSENT: None

Kay Coleman

Mayor
Kay Coleman

ATTEST

Joanne Kessel

Town Clerk
Joanne Kessel
for Barbara Chambers