

**BUILDING STANDARDS COMMISSION**

2525 Natomas Park Drive, Suite 130  
Sacramento, California 95833-2936  
(916) 263-0916 FAX (916) 263-0959



February 24, 2014

Patrick Carroll  
Chief Building Official  
City of Twentynine Palms  
P.O. Box 995  
Twentynine Palms, CA 92277

RE: Ordinance #257

Dear Mr. Carroll:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on February 13, 2014.

Our review finds the submittal to contain one ordinance modifying provisions of the 2013 California Building Standards Code in Title 24, California Code of Regulations (code), and express findings complying with Health and Safety Code §§17958.7 and 18941.5. The code modification is accepted for filing and is enforceable. This letter attests only to the satisfaction of the cited law for filing of local code amendment supported by an express finding with the Commission. The Commission is not authorized by law to evaluate the merit of the code modification or the express finding.

Local modifications to the code are specific to a particular edition of the code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the code is published.

On a related matter, should your city receive and ratify Fire Protection District ordinances making modifications to the code, be advised that Health and Safety Code §13869.7(c) requires such ratified ordinances and express findings to be filed with the Department of Housing and Community Development, Division of Codes and Standards, State Housing Law Program, rather than this Commission. Also, ordinances making modifications to the energy efficiency standards of the code may require approval from the California Energy Commission pursuant to Public Resources Code §25402.1(h)(2).

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

A handwritten signature in blue ink that reads "Enrique M. Rodriguez".

Enrique M. Rodriguez  
Associate Construction Analyst

cc: Chron  
Local Filings

**O'Brien, Laurie@DGS**

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**From:** Patrick Carroll <patrickcarroll@caaprofessionals.com>  
**Sent:** Thursday, February 13, 2014 10:46 AM  
**To:** OrdinanceFilings@DGS  
**Subject:** The City of Twentynine Palms  
**Attachments:** Ord No 00257.pdf

Building Standards Commission,

Attached you will find a copy of our local Ordinance No. 257 amending The City of Twentynine Palms Municipal Code to adopt the 2013 California Code of Regulations Title 24 as amended with each change to existing building standards expressly marked and identified and including the express finding that each change is reasonably necessary because of local climatic, geological, or topographical conditions.

Thank you.  
Patrick Carroll, CBO  
The City of Twentynine Palms

**CITY OF TWENTYNINE PALMS  
CITY COUNCIL  
ORDINANCE NO. 257**

**AN ORDINANCE OF THE CITY OF TWENTYNINE PALMS CALIFORNIA, ADOPTING, BY REFERENCE, AND AMENDING THE 2013 EDITIONS OF THE CALIFORNIA BUILDING CODE (VOLUMES 1 AND 2, WITH APPENDIX CHAPTERS F, G, H, I AND J); CALIFORNIA RESIDENTIAL BUILDING CODE (WITH APPENDIX CHAPTERS E, G, H AND O); CALIFORNIA ELECTRICAL CODE; CALIFORNIA PLUMBING CODE; CALIFORNIA MECHANICAL CODE; CALIFORNIA ENERGY CODE; THE INTERNATIONAL PROPERTY MAINTENANCE CODE (2012 EDITION); AND, THE CALIFORNIA GREEN BUILDING STANDARDS REGULATING AND GOVERNING THE CONSTRUCTION, CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES IN THE CITY OF TWENTYNINE PALMS.**

**WHEREAS**, appropriate, needed and applicable Building & Safety Codes were first adopted, by reference, for inclusion within the Municipal Code of the City of Twentynine Palms City Council in August of 1988, and subsequently amended upon review and action of the Council following advertised Public Hearings; and

**WHEREAS**, Government Code sections 50022.1 et. seq., provides that ordinances and codes of Federal, State or any agency of either of them may be adopted by reference, provided that prior to such adoption by reference a noticed Public Hearing has been held; and

**WHEREAS**, there is no specific developmental project proposed as part of Municipal Code Amendment PC 13-37; and

**WHEREAS**, based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), the Municipal Code Amendment proposed consists of the adoption, by reference, of Codes to regulate the safe construction and occupancy of otherwise permitted structures within the community, and as the proposal shall not allow uses by right-of-zone that are not otherwise allowed, it can be seen with certainty that the proposed amendment will not have an adverse impact upon the environment, therefore, it is EXEMPT from further environmental review; and

**WHEREAS**, the City Council finds that on the basis of the whole of the record before it (including any comments received at the Public Hearing) that there is no substantial evidence that the proposal will have a significant effect on the environment and that the Determination of Exemption reflects the Council's independent judgment and analysis; and

**WHEREAS**, copies of these codes and standards, as amended, were filed with the office of the City Clerk fifteen (15) days prior to the noticed hearing, copies of which are available for public review within the Community Development Department; and

**WHEREAS**, on August 22, 2013, Municipal Code Amendment PC 13-37, a Code Amendment updating and amending the Codes associated with and required for construction within the community of Twentynine Palms, was duly noticed in the Desert Trail, a newspaper of general circulation within the City of Twentynine Palms for a City Council Public Hearing of September 10, 2013; and

**WHEREAS**, the proposed amendments to the Municipal Code under PC 13-37 are consistent with the Goals and Policies of the City of Twentynine Palms General Plan and shall promote the health, safety and general welfare of the citizens of the Community; and

**WHEREAS**, at said advertised Public Hearing before the City Council, all interested persons had the opportunity to appear and be heard on the matter of adopting, by reference, certain model codes, together with all amendments thereto, as follows:

California Building Code, 2013 Edition, Volumes 1 and 2 with Appendix F, G, H, I, J  
California Residential Building Code, 2014 Edition with Appendix E, G, H and O  
2012 International Property Maintenance Code  
California Electrical Code, 2013 Edition  
California Plumbing Code, 2013 Edition  
California Mechanical Code, 2013 Edition  
California Energy Code 2013 Edition  
California Historical Building Code  
California Elevator Safety Code  
California Existing Building Code  
California Referenced Standards

**NOW THEREFORE**, the City Council of the City of Twentynine Palms, California, does ordain as follows:

**Section 1.** CALIFORNIA ENVIRONMENTAL QUALITY ACT. That in conformance with the State Guidelines to Implement the California Environmental Quality Act (CEQA), the City Council finds that based upon review of the proposed Municipal Code Amendment PC 13-37, which addresses safety standards and shall not allow uses by right-of-zone that are not otherwise allowed, it can be seen with certainty that the proposed amendment will not have an impact upon the environment and, therefore, it is EXEMPT from further environmental review.

**Section 2.** GENERAL PLAN GOALS & POLICIES. That the City Council finds that the proposed Amendments are consistent with the Goals and Policies of the adopted General Plan as the changes proposed under the Amendments will improve the livability of the City by enhancing the enforcement of existing high quality development standards and thus assisting in the minimization of potential land use conflicts.

**Section 3.** COPY ON FILE. A copy of the Building Codes of the City of Twentynine Palms as referenced herein shall be maintained in the office of the City Clerk in the City of Twentynine Palms, and shall be made available for public inspection during normal business hours while this Code is in force.

**Section 4.** AMENDMENTS NECESSARY. Pursuant to Section 17958.5 of the Health and Safety Code of the State of California, the City Council of the City of Twentynine Palms hereby finds that the amendments of the Building Standards contained in the California Building Code, Volumes 1 and 2, 2013 Edition are necessary due to past earthquakes (Landers 1992, Hector Mine) and the inherent run off problems incurred with severe thunderstorm activity and flooding due to the City's desert location.

**Section 5.** BUILDING CODES ADOPTED. Except as amended herein, the City Council of the City of Twentynine Palms adopts, by reference, as the Building Codes of the City of Twentynine Palms, making all part hereof as if fully set out in this ordinance, for regulating the

erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment use, height, area, maintenance of all buildings and/or structures in the City and providing for the issuance of all permits and collection of fees therefore, including each and all of the regulations, provisions, conditions and terms of such Code, as follows:

The California Building Code's, 2013 Edition, Volumes 1, 2 (including the generic fire-resistive assemblies listed in the Fire Resistance Design Manual, Twentieth edition as referenced in Tables Numbered 720.1(1), 720.1(2) and 720.1(3));

All California Building Code Appendix Chapters, with the exception of Appendix Chapters A, B, C, D and E;

The Elevator Safety Code Title 24 part 7 for Elevators and Escalators, Society of Mechanical Engineers; and

Structural Welding Code-Reinforcing Steel, AWS D1.4-92 (UBC Standard No.19-2), Structural Welding Code-Steel, ANSI/AWS D1.1-84 (UBC Standard No.27-6) and Structural Welding Code-Sheet Steel, ANSI/AWS D1.3-81 (UBC Standard No. 27-13) published by the American Welding Society.

**Section 6.** 2013 BUILDING CODE AMENDED. The 2013 California Building Code as adopted herein is amended as follows:

**Section 104.8 LIABILITY.** The Building Official, or his/her authorized representative charged with the enforcement of this Code and the technical codes, acting in good faith and without malice in the discharge of his duties, shall not thereby render himself personally liable for any damage that may accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of his duties. Any suit brought against the Building Official, agent or employee because of such act or omission performed by him/her in the enforcement of any provision of such Codes or other pertinent laws or ordinances implemented through the enforcement of this Code or enforced by the code enforcement agency shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by this jurisdiction.

The provisions of this section shall apply if the Building Official or his/her authorized representative are employees of this jurisdiction and shall also apply if the Building Official or his/her authorized representative are acting under contract as agents of the jurisdiction.

Such Codes shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building, structure or building service equipment therein for any damages to persons or property caused by defects, nor shall the code enforcement agency or its parent jurisdiction be held as assuming any such liability by reason of the inspection authorized by this code or any permits or certificates issued under this code.

California Building Code, Chapter 16 Volume 2 Section 1604 "Structural Design Requirements Division General Design Requirements" is herewith amended by the addition of Section 1604.11 to read as follows:

**A. Stucco and Drywall**

1. Reduce the allowable shear values for Portland cement (stucco) and gypsum sheathing board/gypsum wall board (drywall) permitted under the 2013 C.B.C Table 2306.3 (3) as follows:

a. **Portland Cement Plaster**

1. Reduce allowable shear wall value to 90#/foot.
2. Limit ratio "h/d" to 1.
3. Required minimum nailing will be limited to 11 (gage) x 1½ (length) galvanized nails with lath furred to ¼ in. Staples and self-furring lath will not be permitted.

b. **Gypsum Sheeting and wallboard (1/2 or 5/8 in thickness)**

1. Reduce the maximum shear value to 30#/foot (for both blocked and unblocked shear walls), with nailing at 7 in. maximum spacing.
2. Limit the ratio "h/d" to 1.
3. Wall frame assemblies of Portland cement plaster or gypsum wallboard will not be permitted to carry shear loads at the ground floor of a multi-story building.

c. **Plywood**

1. Reduce the allowable values for plywood shear walls to seventy-five percent (75%) of the shear values
2. Require nominal three (3) inch thick boundary and panel edge members for all shear walls with shear values exceeding 300# per foot.
3. Require minimum 1/2 inch edge distance for nailing at the 3X boundary and panel edge members of these shear walls.
4. Limit the shear wall "h/d" ratio to 2:1.

d. **Hold-down Connectors**

1. All bolt-holes shall be 1/16" (max.) oversized at the connection of hold-downs to posts (note on plans inspector to verify).
2. Specify that hold-down connection bolts and nuts shall be torqued 1/2 turn beyond finger tight or as required by the manufacturer. Inspector shall verify by random inspection prior to covering walls.
3. Allowable load on the manufactured hold-downs should be seventy-five percent (75%) of the value listed in the research report.

e. **Open/Soft Story Design**

1. Column deflection shall be limited to 0.005H; where "H" is story height.
2. Use "K-2.1" the buckling factor for cantilevered columns for the design of columns.

f. **Plan Requirements**

1. Lateral-force resisting system of the structure shall be clearly shown on the plans and calculations.
2. Sufficient elevations and detail references for all shear-walls, frames etc. shall be provided on the plans to clearly show all applicable conditions.

## **California Building Code, Volume 1, Chapter 15, "Roof Assemblies..."**

### **Section 1507 "Requirements For Roof Coverings"**

Amended by the addition as follows:

The roof covering on any structure regulated by this Code shall be Class "A" as classified in Section 1505.

**Exception:** Repairs of and additions to existing structures which requires the replacement or addition of 25% or less of the total roof area may be made using material matching the existing roof.

## **California Building Code, 2 Chapter 19, "Concrete"**

### **Section 1907 Minimum Slab Provisions**

Amended by the addition as follows:

Shall have minimum 6x6x10x10 welded wire mesh reinforcement.

## **California Building Code, Volume 2, Appendix J, "Grading"**

Amended by the addition as follows:

**J 101.3 Grading Designation.** Grading in excess of 2500 cubic yards shall be performed in accordance with the approved grading plan prepared by a civil engineer, and shall be designated "engineered grading." Grading involving less than 2500 cubic yards shall be designated "regular grading" unless the City Engineer determines that special conditions or unusual hazards exist, in which case grading shall conform to the requirements for engineered grading.

### **J 110.1 Erosion Control.**

(a) **SLOPES.** The faces of cut and fill slopes shall be prepared and maintained to control erosion. This control must consist of effective planting as described elsewhere in this section, or other devices satisfactory to the Building Official.

(b) **PLANTING.** The surface of all cut slopes more than 5 feet in height and fill slopes more than three feet in height shall be protected against damage by erosion by planting with grass or ground cover plants. Slopes exceeding 15 feet in height shall also be planted with shrubs, spaced at not to exceed 10 feet on centers; or trees, spaced at not to exceed 20 feet on centers; or a combination of shrubs and trees at equivalent spacing, in addition to the grass or ground cover plants. The plants selected and planting methods used shall be suitable for the soil and climate conditions of the site and in accordance with the current City approved publication.

Planting need not be provided for cut slopes rocky in character and not subject to damage by erosion or any slopes protected against erosion damage by other methods when such methods have been specifically recommended by a soils engineer, engineering geologist, or equivalent authority and found to offer erosion protection equal to that provided by the planting specified in this section.

Plant material shall be selected which will produce a coverage of permanent planting effectively controlling erosion. Consideration shall be given to deep rooted plant material needing limited watering, to low maintenance during the lifetime of the project, to high root to shoot ratio (weight of above ground parts versus root system), wind susceptibility and fire-retardant characteristics.

(c) IRRIGATION. Slopes required to be planted by sub-section (b) shall be provided with an approved system of irrigation, designed to cover all portions of the slope and plans therefore shall be submitted and approved prior to installation. A functional test of the system shall be required.

For slopes less than 20 feet in vertical height, hose bibs to permit hand watering will be acceptable if such hose bibs are installed at conveniently accessible locations where a hose no longer than 50 feet is necessary for irrigation.

The requirements for permanent irrigation systems may be modified upon specific recommendation of a landscape architect or equivalent authority that because of the type of plants selected, the planting methods used, and the soil and climatic conditions at the site, an irrigation system will not be necessary.

(d) PLANS AND SPECIFICATIONS. Planting and irrigation plans shall be submitted for slopes required to be planted and irrigated by sub-sections (b) and (c). Except when waived by the City Planner for minor grading, the plans for slopes 20 feet or more in vertical height shall be prepared and signed by a civil engineer or landscape architect.

(e) RODENT CONTROL. Fill slopes steeper than two horizontal to one vertical within a grading project located adjacent to undeveloped and unoccupied land determined by the County of San Bernardino Agricultural Commissioner or other appropriate authority to be infested by burrowing rodents, shall be protected from potential slope damage by an effective rodent control program.

#### **California Building Code, Volume 2, Chapter 18, "Soils and Foundations"**

Amended by the addition as follows:

**SECTION 1802.2.1.1** The City Engineer may require an engineering geology or geotechnical engineering report, or both, where in his opinion such reports are essential for the evaluation of the safety of the site. The engineering geology or geotechnical engineering report, or both shall contain a finding regarding the safety of the building site for the proposed structure against hazard from landslide, settlement, or slippage and a finding regarding the effect that the proposed building or grading construction will have on the geologic stability of property outside the building site. Any engineering geology report shall be prepared by a certified engineering geologist licensed by the State of California. Any geotechnical engineering report shall be prepared by a civil engineer qualified to perform this work, such as a geotechnical engineer experienced in soils mechanics. When both an engineering geology and geotechnical engineering report are required for the evaluation of the safety of the site, the two reports shall be coordinated before submission to the City Engineer.

**Section 7.** 2013 RESIDENTIAL BUILDING CODE. Except as hereinafter provided, the California Residential Building Code, 2013 Edition, including Appendices E, G, H and O, is hereby adopted by reference as the Residential Building Code of the City of Twentynine Palms.

**Section 8. PLUMBING CODE ADOPTED.** Except as hereinafter provided, the California Plumbing Code, 2013 Edition, including the installation standards V contained therein, is hereby adopted by reference as the Plumbing Code of the City of Twentynine Palms.

**Section 9. MECHANICAL CODE ADOPTED.** Except as hereinafter provided, the California Mechanical Code, 2013 Edition, is hereby adopted by reference as the Mechanical Code of the City of Twentynine Palms.

**Section 10. ELECTRICAL CODE ADOPTED.** Except as hereinafter provided, the California Electrical Code, 2013 Edition, is hereby adopted by reference as the Electrical Code of the City of Twentynine Palms.

**Section 11. GREEN BUILDING STANDARDS ADOPTED.** Except as hereinafter provided, the California Green Building Standards Code, 2013 Edition, published by the California Building Standards Commission, is hereby adopted by reference as the Green Building Standards Code of the City of Twentynine Palms.

**Section 12. INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED.** Except as hereinafter provided the International Property Maintenance Code, 2012 Edition, is hereby adopted by reference as the Housing Maintenance Code of the City of Twentynine Palms.

**Section 13. NOTICE OF ADOPTION.** The City Clerk shall certify to the passage and adoption of this ordinance by not less than a four-fifths vote of the City Council; shall enter the same in the book of original ordinances of the City of Twentynine Palms; shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted; and which Ordinance No. 257 shall go into effect thirty days after adoption thereof, but no sooner than January 1, 2014, and shall certify to the adoption of this Ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the City in a manner permitted by Section 36933 of the Government Code of the State of California.

**Section 14. SEVERABILITY.** If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a 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 passed and adopted this Ordinance and each and all provisions thereof, irrespective of the fact that any one or more of said provisions may be declared invalid.

**Section 15. EFFECTIVE DATE.** Ordinance No. 257 shall become effective on the 1<sup>st</sup> day of January, 2014, at least thirty (30) days after its adoption by Council action on the 24<sup>th</sup> day of September, 2013.

**PASSED, APPROVED AND ADOPTED** this 24<sup>th</sup> day of September, 2013.



Joel A. Klink  
Joel A. Klink, Mayor

Cynthia Villescas  
Cynthia Villescas, City Clerk

I hereby certify that the foregoing is a true copy of Ordinance No. 257, introduced on the 10<sup>th</sup> day of September, 2013 and duly adopted by the City Council of the City of Twentynine Palms in a meeting held on the 24<sup>th</sup> day of September, 2013, in Twentynine Palms, California by the following vote, to wit:

**AYES: COUNCIL MEMBERS:** CORBIN, HARRIS, HEISER, MINTZ, KLINK

**NOES: COUNCIL MEMBERS:** NONE

**ABSENT: COUNCIL MEMBERS:** NONE

Cynthia Villescas  
Cynthia Villescas, City Clerk