

**ORDINANCE NO. 2022-018**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
SAN BUENAVENTURA ADOPTING BY REFERENCE THE  
2022 EDITION OF THE CALIFORNIA EXISTING BUILDING  
CODE AND AMENDING CERTAIN PROVISIONS THEREOF  
THROUGH EXPRESS FINDINGS OF LOCAL NECESSITY**

The City Council of the City of San Buenaventura does ordain as follows:

SECTION 1: FINDINGS. The City Council finds that certain local climatic, geological, or topographical conditions exist as follows:

- A. Climatic. The City has: 1) periods of high temperatures accompanied by low humidity and high winds each year. These conditions could create an environment in which the fire department may have great difficulty in controlling fires occurring in hillside brush areas as well as structures not having built in fire protection; 2) periods of intense rainfall, which create the need for special drainage precautions; 3) moist coastal air and some corrosive native soil.
- B. Geological. The City has: 1) areas with expansive soils and hillsides that are subject to mudflows and unstable conditions. Special foundation considerations and soils analyses requirements must be in place to provide a reasonable degree of structural integrity for buildings constructed in these areas; 2) several earthquake faults that, when active, will impose unique lateral loads on structures in the City. Special lateral structural design criteria are needed to resist these lateral loads imposed by active earthquake faults in the City; 3) Earthquakes will block/damage roads and limit the Fire Department's ability to access and fight fires. Built-in fire protection systems will provide the initial firefighting services until the Department can arrive on site; 4) areas of corrosive water and areas of very hard potable water. Special piping materials and provisions for on-site water treatment must be made.
- C. Topographical. The City has: 1) Existing hillside and flat land developments require special drainage precautions Structures are subject to water damage without special requirements addressing site drainage; 2) many older City streets are very narrow and difficult for the Fire Department to stage equipment, clear wildland and fight fires. Hillside conditions may also inhibit ocean views.
- D. Administrative. Administrative changes are those made to either sections of the State Building Standards Codes that are not specifically adopted by a State agency or that are needed to coordinate the State Codes with the City's local Charter and Municipal Code. Administrative amendments shall not result in waiving or reducing the State Building Standards Codes regulations nor create new building standards.

- E. After due consideration, the City Council finds and determines that these local climatic, geological, and topographical conditions make modifications and changes to the 2022 Edition of the California Existing Building Code reasonably necessary to provide sufficient and effective protection of life, health, and property. A summary the applicable findings as they relate to each local amendment is attached hereto as Exhibit "A," incorporated herein by this reference.

SECTION 2: AMENDMENT TO CODE. Chapter 12.005 of Division 12 of the San Buenaventura Municipal Code ("SBMC") is hereby added to read as follows:

**"Chapter 12.005 Existing Building Standards**

**Section 12.005.010. Adoption of California Existing Building Code, 2022 Edition.**

Pursuant to Government Code sections 50022.1 to 50022.8, inclusive, Part 10 of Title 24 of the California Code of Regulations, known as the California Existing Building Code, 2022 Edition ("CEBC"), including all standard printed Chapters and Sections (whether adopted by the State matrix or not), is adopted by reference, subject to the amendments, additions, and deletions set forth in this Chapter. The CEBC will apply to existing occupancies identified by this code. One true copy of the CEBC is on file in the Office of the Building Official and is available for public inspection as required by law.

**Section 12.005.020. Amendments.**

- A. The City Council finds that certain local climatic, geological, and/or topographical conditions exist as follows:
  - 1. Climatic. The City experiences periods of high temperatures accompanied by low humidity and high winds each year. These conditions could create an environment in which the fire department may have great difficulty in controlling fires occurring in hillside brush areas as well as structures not having built-in fire protection. The City also experiences periods of intense rainfall, which create the need for special drainage precautions.
  - 2. Geological. The City is located in an area with expansive soils and includes hillsides that are subject to mudflows and unstable conditions. Special foundation considerations and soils analyses requirements must be in place to provide a reasonable degree of structural integrity for buildings constructed in these areas. Several earthquake faults run through the City that, when active, will impose unique lateral loads on structures in the City. Special lateral structural design criteria are needed to resist these lateral loads imposed by active earthquake faults in the City.

3. Topographical. The City has hillside and flat land developments that require special drainage precautions, as well as a system of roadways and highways that generate traffic noise. Structures would be subject to water damage without special requirements addressing site drainage.
  4. After due consideration, the City Council finds and determines that these local climatic, geologic, and topographical conditions make modifications and changes to the 2022 Edition of the California Existing Building Code reasonably necessary to provide sufficient and effective protection of life, health and property. A summary the applicable findings as they relate to each local amendment is attached hereto as Exhibit "A," incorporated herein by this reference.
- B. The CEBC is therefore modified, amended, added to, and changed as set forth below:
1. Chapter 1, Division II is replaced in its entirety with the following:  
  
Division II Administration.  
  
Section 103. Administration and Enforcement. Refer to Chapter 1, Division II Part 2, of the 2022 California Building Code, as adopted by the City of San Buenaventura, for all administrative requirements and regulations.
  2. Section 506.7 is added to read as follows:  
  
*Section 506.7 Unreinforced Masonry Buildings.* When an existing unreinforced masonry structure is being reclassified to a different occupancy classification, or increasing the occupant load, the unreinforced masonry building shall be evaluated by a registered civil or structural engineer licensed in the State of California, experienced with unreinforced masonry buildings. The evaluation shall be based on the life and safety or immediate occupancy performance level, in accordance with current ASCE 41.  
  
This evaluation shall establish whether the existing unreinforced masonry building is structurally damaged or in need of structural repair. This report must be submitted to the Building Official for review and further recommendations prior to the submittal for the change of occupancy classification.

3. Chapter 14 is modified in its entirety:

*1401 Relocation of Existing Buildings.* No person, firm or corporation shall move or relocate any building or structure into the City, or from one lot to another lot within the City, or from one portion of a lot to another location on the same lot without first obtaining a building permit; provided, however, nothing contained in this chapter shall be construed to apply to factory-built housing, commercial modulars, manufactured homes, mobile homes, multi-unit manufactured housing, and special purpose commercial modulars approved as such under the jurisdiction of the State or Federal Government. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished for that purpose. Any building relocation shall be subject to the following provisions:

Exception: Minor structures which do not require a building permit per Section 105 of this code.

*1401.1* The following information shall be filed for review and subject to the approval of the Building Official prior to the issuance of the building relocation permit:

1. The location and address of the current site and new site shown on a plot plan. This shall include the showing of adjacent lots on all sides of the property and an indication of all structures and improvements on such lot;
2. A letter of structural integrity from a State licensed structural engineer stating the age of the structure, it's structural capacity for lifting and relocating, and the specific location of supports to safely transport the building;
3. Plans and specifications for the proposed improvements at the new location, including utilities, emergency vehicle access, drainage, etc.;
4. A valid transportation permit issued by the City Engineer for the specific structure proposed for relocation;
5. A termite inspection report prepared by a legally qualified person;
6. The plan and details for abandonment of sewage disposal systems and/or sewer laterals as set forth in the California Plumbing Code;

7. A current photograph showing the front of each building to be relocated; and
8. Such additional information as shall be deemed reasonably necessary by the Building Official to carry out the intent and purpose of this Chapter.

*1401.2 Inspection.*

*1401.2.1 Application investigation.* Before any application for a permit is accepted, an investigation of the condition of the building to be moved and inspection of the proposed new location must be completed by the City Building Official or designee. Fees for this investigation and inspection shall be based on the City Council approved hourly rate for Building & Safety multiplied by the estimated total travel, inspection and the post-inspection documentation time needed.

*1401.2.2 Outside City limits.* If the building or structure is located outside the City limits, a mileage charge equivalent to the current mileage rate paid by the City may be charged for each mile traveled outside the City limits in the course of the investigation.

*1401.2.3 Regulatory compliance.* Before the Building Official may grant a building relocation permit, there shall be evidence of full compliance with all pertinent ordinances, rules, regulations and other laws of the City and State.

*1401.2.4 Findings.* The Building Official shall find prior to granting a building relocation permit:

1. That there is evidence of full compliance with the City Zoning Ordinance;
2. That all new or repair work in the moved building shall comply or be altered to comply with current State Title 24 requirements as adopted by the City; and

3. Before a building permit may be granted, there shall be required of the applicant the posting of a bond in such an amount as is determined by the Building Official to cover costs of any provisions stated in this chapter but not less than \$100,000. The bond shall also cover the costs involved in cleaning up the vacated site and restoring it to a safe and healthy condition. The bonding time is a minimum of ninety (90) days and may be extended for good cause by the Building Official if final inspection of the moved building is not obtained within the ninety (90) days.

SECTION 3: CALIFORNIA ENVIRONMENTAL QUALITY ACT. The City Council determines that this Ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000 *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000 *et seq.*, the "State CEQA Guidelines") because it does not meet the definition of a "project" under Public Resources Code § 21065 and, to the extent it is determined by a court of competent jurisdiction to be a project, is covered by the common sense exception under 14 California Code of Regulations § 15061(b)(3) as it consists only of minor revisions and clarifications to an existing code of construction-related regulations and specification of procedures related thereto and will not have the effect of deleting or substantially changing any regulatory standards or findings required therefor. This ordinance is an action being taken for enhanced protection of the environment and does not have a reasonably foreseeable direct or indirect physical change on the environment or the potential to cause significant effects on the environment.

SECTION 4: SAVINGS CLAUSE. Repeal of any provision of the SBMC or any other City ordinance herein will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before the effective date of this Ordinance. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 5: SEVERABILITY. If any part of this Ordinance is deemed invalid by a court of competent jurisdiction, the City Council intends that such decision will not affect the validity of the remaining portions of this Ordinance and, to this end, the provisions of this Ordinance are severable.

SECTION 6: VALIDITY OF PREVIOUS CODE SECTIONS. If this entire Ordinance is repealed or is deemed invalid by a court of competent jurisdiction, such action will render this Ordinance void and cause such SBMC Ordinance previously in effect prior to amendment by this Ordinance to remain in full force and effect for all purposes.

SECTION 7: EFFECTIVE DATE. This Ordinance will take effect on the 30<sup>th</sup> day following its final passage and adoption or January 1, 2023 whichever is later.

The foregoing Ordinance was adopted by the City Council of San Buenaventura on November 28, 2022 and ordered published by posting the following vote:

Ayes: Councilmembers Sanchez-Palacios, Brown, Johnson, Halter, Deputy Mayor Schroeder, and Mayor Rubalcava

Noes: None

Absent: Councilmember Friedman



Sofia Rubalcava  
Mayor




ATTEST:



Michael B. MacDonald, CMC  
City Clerk

APPROVED AS TO FORM:

Andy Heglund  
City Attorney

 12/1/2022

Miles Hogan  
Senior Assistant City Attorney

### Exhibit "A"

After due consideration, the City Council finds and determines that these local climatic, geological, and topographical conditions make modifications and changes to the CEBC reasonably necessary to provide sufficient and effective protection of life, health, and property. The CEBC is therefore modified, amended, added to, and changed according to the following findings and as further set forth below:

CODE SECTION	AMEND	ADD	DELETE	California Existing Building Code Local Amendment, Title/Description	FINDINGS
103	X			Coordinates the Existing Building Code Administrative* regulations and processes with the Building Code	Admin
1401	X			Promotes building re-use by prescribing building relocation regulations and processes	Admin
506.7		X		Requires a structural assessment and evaluation of existing Unreinforced Masonry Buildings that are being reclassified to a different occupancy classification. This provision is proposed in order to establish if the existing URM building is structurally damaged or in need of repair. Furthermore, it is intended to reduce injuries, save lives, and minimize excessive structural damage	Geological