

ORDINANCE NUMBER O- 19258 (NEW SERIES)

ADOPTED ON FEB 02 2004

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 14, ARTICLE 5, DIVISION 2, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 145.0202, PERTAINING TO BUILDING REGULATIONS.

WHEREAS, the San Diego region began suffering from the largest wildfires in state history on October 25, 2003. The largest of the fires, the Cedar fire, burned 280,278 acres countywide and 28,676 acres within the City of San Diego. The Cedar fire destroyed 335 structures and damaged 71 in the City; and

WHEREAS, the Cedar Fire, Paradise Fire, and Otay Fire burned several communities within the City of San Diego including Clairemont, Kearny Mesa, Miramar, Scripps Ranch, Tierrasanta, and Otay Mesa/Nestor; and

WHEREAS, On October 26, 2003, Governor Gray Davis proclaimed a state of emergency to exist within San Diego County as of October 21, 2003, pursuant to the California Emergency Services Act (California Government Code section 8558(b)); and

WHEREAS, President Bush declared a major disaster for the State of California, including the County of San Diego, on October 27, 2003, pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. sections 5121-5206); and

WHEREAS, as a result of these fires, the City Council adopted Resolution number R-298565, on November 3, 2003, declaring a local emergency as of October 25, 2003, pursuant to the California Emergency Services Act (California Government Code section 8630); and

WHEREAS, the City of San Diego, under the police power delegated to it by the Constitution of the State of California, has the authority to react when the potential exists for jeopardy to the public health, safety and general welfare of its citizens; and

WHEREAS, the City of San Diego is located in southern California, a region that experiences severe and frequent Santa-Ana winds blowing from the east and is characterized with an arid climate; and

WHEREAS, the City of San Diego is surrounded with dry underbrush at the wild-land interface areas to the east; and

WHEREAS, an arid climate and dry underbrush at wildland interface areas increase the duration and severity of wild-land interface fires and subject the City to large fire losses; and

WHEREAS, the topography within the City of San Diego includes hills and canyons which hamper fire fighting operations and brush clearing operations; and

WHEREAS, the City Council finds that these local climatic and topographical conditions, as well as the City's experience with the Cedar Fire of 2003, necessitate changes to the California Building Code in accordance with California Health and Safety Code section 17958.7; and

WHEREAS, the City Council finds that a failure to enact these changes would place the residents of the City of San Diego in a condition dangerous to their health and safety; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 14, Article 5, Division 2, of the San Diego Municipal Code is amended by amending Section 145.0202, to read as follows:

**§145.0202 Local Modifications to Roofing Requirements of the 2001 California Building Code**

Section 1503 ROOFING REQUIREMENTS of the 2001 California Building Code is adopted with modifications, as follows pursuant to Section 145.0105 of the Land Development Code:

- (a) Roofing shall be secured or fastened to the supporting roof construction and shall provide weather protection for the building at the roof
- (b) All newly constructed roofs shall be a Class "A" roofing assembly.
- (c) All replacements, alterations, or repairs shall be a Class "A" roofing assembly.
- (d) The entire roof shall be a Class "A" roofing assembly where more than twenty-five percent of the total roof area is replaced, altered or repaired within any twelve month period.
- (e) The entire roof shall be a Class "A" roofing assembly where a building addition is more than twenty-five percent of the original floor area of the building.
- (f) Wood shake or wood shingles are not permitted, except as provided in State Historical Building Code section 8-408 and section 145.0202(c).
- (g) No roof covering shall be applied over any existing wood shakes or wood shingles.

Section 2. The provisions of this ordinance shall apply to any development that has not been issued a building permit, where such permit is required, prior to the adoption of this ordinance; but are not intended to apply where the property owner has acquired a vested right

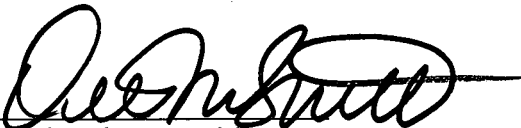
under common law or through a development agreement that explicitly provides to the contrary of this section.

Section 3. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its passage.

CASEY GWINN, City Attorney

By



Deborah M. Smith  
Deputy City Attorney

DMS:MJL:cdk:lc

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Or.Dept:DSD

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