



Report to  
**PRESERVATION COMMISSION**  
City of Sacramento

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**STAFF REPORT**  
**April 2, 2008**

Members of the Preservation Commission:

**Subject:** Review Dangerous/Unsafe Building Requirements (M08-015).

**Location/Council District:** City Wide

**Recommendation:** Receive and provide direction.

**Contact:** Roberta Deering, Senior Planner for Historic Preservation, (916) 808-8259

**Summary:** Review DRAFT proposal from Commissioner Fred Turner

Respectfully submitted by:

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## **Draft Review of Sacramento's Dangerous/Unsafe Buildings Requirements:**

Provisions for Sacramento's response to damage in buildings can be found in the following sections of the city Municipal Code: Chapter 8.96 Dangerous Building Code, Chapter 8.100 Housing Code, Chapter 15.16 Dangerous, Unsafe, or Insanitary Construction, Chapter 15.44 Wrecking and Demolition of Buildings, Chapter 15.52 Vacant Buildings and Structures, Chapter 15.56 Rehabilitation of Buildings and Structures, Chapter 15.112 Old Sacramento Historical Area, Chapter 15.104 Floodplain Management Regulations, Chapter 17.88 Nonconforming Structures and Uses, and Chapter 17.134 Historic Preservation. Since these Chapters were developed at different times by different personnel and departments within city staff, they are not coordinated to the full extent possible. The proliferation of these chapters reflects the past practice that ordinances may have been developed in a vacuum without due consideration of how they may relate to with pre-existing City Codes or Federal and State laws and regulations. It is clear that Sacramento lacks a mechanism to periodically maintain, coordinate, and update these critical ordinances.

Future amendments should examine these chapters and possibly other sections of the Municipal Code as well as the California Historical Building Code (CHBC) and other portions of the California Building Standards Code (CBSC, which contains the California Building Code (CBC)) and Federal laws and regulations for opportunities to enhance coordination, reduce repetition, eliminate conflicting sections, streamline and reorganize the requirements into more logical and fewer chapters. Sacramento should also consider replacing many of these chapter's requirements for unsafe and dangerous codes with simple references to national model codes such as the International Existing Building Code and International Property Maintenance Code. By adopting all or portions of current editions of national model building codes by reference, the city can then rely on the Federal approvals, as well as code maintenance, update, coordination, interpretation, and training resources provided by the model code development organizations such as the International Code Council.

## **Financial Motivation for Updating City Ordinances**

Since many of Sacramento's City Codes are out-of-date and inconsistent with national model codes, Sacramento's eligibility for state and federal agency public assistance (from OES and FEMA) is in serious question. In light of this, updates of these City provisions should be conducted with commensurate urgency to ensure or restore Sacramento's full eligibility for post-disaster financing.

In the past, FEMA has repeatedly sought out and used evidence that local governments do not enforce portions of city ordinances uniformly as reasons for not providing federal public assistance and mitigation financing following recent disasters. FEMA believes its regulations require them to deny requests for funds pursuant to one provision of City Code on the basis that one or more provisions have not been previously enforced or that the cities are only enforcing the provisions after the fact, or only for government facilities but not private facilities, or only when FEMA funds are available. The City must maintain records demonstrating its past uniform code enforcement practices. There are many examples of politicians promising to make jurisdictions whole after past disasters, when in fact FEMA regulations prevent it from following through

with these promises. Often FEMA will initially grant Public Assistance funds, only to take them away years later after audits by FEMA's Office of Inspector General uncover inconsistencies in prior city enforcement irregularities. This "cat and mouse" interaction with FEMA is adversarial and can create years of delay and financial stress for local governments. In summary, the City should not rely on FEMA's Public Assistance unless the City gets its regulatory mechanism in full working order. FEMA's regulations provide strong motivation for Sacramento to update, consolidate and fully enforce all of its ordinances as well as train its staff to effectively carry out and document its responsibilities and actions both before and after disasters.

The following are specific observations on only the key chapters of the City Code. Other Codes not mentioned below have not been reviewed but should be by City Staff and appropriate policy advisory commissions and committees as they are updated:

### **Chapter 8.96 Dangerous Building Code**

This code is considerably out of date and inconsistent with the 2007 California Building Standards Code, making it difficult to interpret and enforce. Much of the language is derived from an out-of-date publication titled the "Uniform Code for the Abatement of Dangerous Buildings" for which the publisher (ICBO) no longer exists. A new national model code, the International Existing Buildings Code published by the International Code Council should be considered since it is designed to be consistent with the California Building Code and is approved by FEMA. For example, Chapter 8.96's definition of dangerous buildings and immediately dangerous buildings conflicts with CBC Chapter 34 definitions of dangerous conditions as well as provisions in the California Historical Building Code (CHBC) regarding "imminent threat". The latter definition should be incorporated into the City's Municipal Code so that damaged historical buildings are treated consistently in accordance with state laws and regulations. The CHBC states that "potential hazards to persons using, or improvements within the right of way may not be construed to be "imminent threats" solely for that reason if the hazard can be mitigation by shoring, stabilization, barricades or temporary fences." Improved cross-references to and coordination with applicable sections of Chapter 17.134, article VII Dangerous and Immediately Dangerous Buildings are necessary. City staff should consider consolidating and coordinating Chapter 15.16 Dangerous, Unsafe, or Insanitary Construction, Chapter 15.44 Wrecking and Demolition of Buildings, Chapter 15.52 Vacant Buildings and Structures, and Chapter 15.56 Rehabilitation of Buildings and Structures.

### **Chapter 15.104 Floodplain Management Regulations**

These provisions appear to be out of date and inconsistent with the Flood Load Provisions of Section 1612 of the California Building Code, the California Historical Building Code, and ASCE 24 "Flood Resistant Design and Construction". In addition, there are inadequate provisions to address the treatment of historical buildings prior to and following floods. One of the key lessons learned after the floods and wind damage caused by Hurricane Katrina is that inconsistent and out-of-date codes will delay recovery efforts and increase costs to owners. In addition, appropriate mitigation prior to catastrophes can save historical resources that may otherwise be destroyed in floods. Consistency and coordination with the California Historical

Building Code as well as other chapters of the City Code such as Chapter 15.16 Dangerous, Unsafe, or Insanitary Construction appear to be lacking. The term “manager” should be defined.

A number of requirements appear not to be enforced and are potentially unenforceable under current regulatory mechanisms such as requirements for anchorage of recreational vehicles in flood zones in Section 15.104.050. While this may not appear to be relevant to historic buildings, many such buildings were damaged in the floods triggered by Hurricane Katrina when struck by floating vehicles in high velocity flood waters.

Other requirements appear to be missing key words such as for nonresidential construction in Section 15.104.050A.3.c. This has critical implications for the flood hazard reduction, preservation and restoration of city-registered historical, nonresidential buildings.

Consideration should be made to expand exemptions for historical buildings to exempt city-registered historical buildings from certain flood requirements. Currently national- and state-registered historical buildings are exempt.

### **Emergency Response Capabilities of Sacramento**

To minimize damage to historic buildings and speed recovery, the city in cooperation with state OES should develop and maintain a list of locally and regionally available ATC 20- and ATC 45-trained volunteer professionals who will be capable of quickly placarding damaged buildings that are safe for reuse following a disaster through the City’s Safety Assessment Program. Central to this should be training of volunteers and key city officials that emphasizes that safety assessment placards are not demolition orders for any buildings or structures.

The City should ensure that it has adopted an Emergency Response plan that includes standard operating procedures and mutual aid guidelines for the deputization and mobilization of Safety Assessment Program volunteers. This should also include cached placards and evaluation forms with proper city insignias, legally reviewed and approved and in place prior to disasters.

### **Planning Lessons Learned from Hurricane Katrina**

More than two years after Katrina, New Orleans was still struggling with its recovery and reconstruction priorities largely because it had no pre-disaster plans for how to recover quickly. Sacramento should take this lesson to heart and embark on a planning effort to add an post-disaster recovery planning element to the City Plan or Regional Plan that articulates key principals and priorities to help direct the Governments’ recovery decisions following future disasters. The element(s) should be written in an overarching, general manner that avoids being too specific, while providing clear guidance for recovery priorities and potential financing mechanisms including pre-disaster revenue-interruption insurance and post-disaster bonding.

### **Training of City Code Enforcement Personnel and Private-Sector Design Professionals**

The City should invest in comprehensive training program to enhance awareness of all City Code provisions and improve code enforcement effectiveness and consistency for City Development

Staff. Once this training program is established, the City should offer similar training resources to private sector design professionals. Online training resources such as movies for the benefit of periodic and individualize staff training can be made available to both the public and private sectors at low or no cost.

### **Consistency with Other Jurisdictions in the Sacramento Valley**

Sacramento should also take a leadership role in coordinating its efforts with other jurisdictions in the region through organizations such as the Sacramento Valley Chapter of the International Code Council and California Building Officials, to share training, staff certification, code updates, code interpretation efforts and resources. A region-wide and state-wide approach will help ensure consistency of code enforcement and speed region-wide recovery following catastrophes that effect multiple jurisdictions and trigger mutual aid between jurisdictions.

The California Building Officials currently offers model standard operating procedures for Safety Assessment programs, a model repair ordinance to maximize eligibility for FEMA Public Assistance, and a model ordinance for placarding damaged buildings. Sacramento should consider adopting these.