

BUILDING STANDARDS COMMISSION

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



January 13, 2014

Seimone Jurjis, P.E.
Chief Building Official
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

RE: Ordinance #2013-24

Dear Mr. Jurjis:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on December 10, 2013.

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 black ink, appearing to read "Enrique M. Rodriguez".

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings



CITY OF NEWPORT BEACH

COMMUNITY DEVELOPMENT

December 4, 2013

VIA CERTIFIED REGISTERED MAIL

Building Standards Commission
2525 Natomas Park Drive
Suite 130
Sacramento, CA 95833-2936

RE: CITY OF NEWPORT BEACH LOCAL AMENDMENT TO THE
2013 CALIFORNIA BUILDING CODE

Dear Commissioners:

On November 26, 2013, the City of Newport Beach City Council adopted Ordinance No. 2013-24, which adopted and amended the 2013 California Codes. Additionally, the City Council passed resolution 2013-79 setting forth express findings based on local conditions within the City of Newport Beach as reasonably necessary.

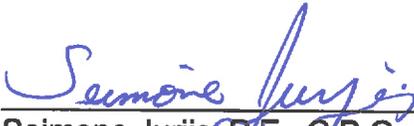
Enclosed please find:

1. Ordinance No. 2013-24 adopted on November 26, 2013, by the City of Newport Beach City Council; and,
2. Resolution No. 2013-79 setting forth the findings based on local conditions.

If you have any questions please contact me at (949) 644-3282 or by email at sjurjis@newportbeachca.gov.

Very truly yours,
Community Development Department
BUILDING DIVISION

By:


Seimone Jurjis, P.E., C.B.O.
Chief Building Official

SJ:ds

RESOLUTION NO. 2013-79

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, SETTING FORTH FINDINGS BASED ON LOCAL CONDITIONS WITHIN THE CITY OF NEWPORT BEACH WHICH MAKE CERTAIN MODIFICATIONS AND CHANGES TO THE CALIFORNIA BUILDING CODE, THE CALIFORNIA RESIDENTIAL CODE, THE CALIFORNIA ELECTRICAL CODE, THE CALIFORNIA MECHANICAL CODE, AND THE CALIFORNIA PLUMBING CODE AS REASONABLY NECESSARY

WHEREAS, Health and Safety Code Section 17958 mandates that the City of Newport Beach ("City") adopt ordinances and regulations imposing the same or modified or changed requirements as are contained in the regulations adopted by the State pursuant to Health and Safety Code Section 17922; and

WHEREAS, the State of California is mandated by Health and Safety Code Section 17922 to impose the same requirements as are contained in the 2013 California Building Code based on the 2012 International Building Code of the International Code Council, the 2013 California Residential Code based on the 2012 International Residential Code, the 2013 California Green Building Standards Code, the 2013 California Plumbing Code based on the 2012 Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials, the 2013 California Mechanical Code based on the 2012 Uniform Mechanical Code of the International Association of Plumbing and Mechanical Officials, and the 2013 California Electrical Code based on the 2011 National Electrical Code of the National Fire Protection Association, the 2013 California Energy Code, the 2013 Historical Code, the 2013 Existing Building Code (hereinafter referred to collectively as "Codes"); and

WHEREAS, Health and Safety Code Section 17958.5(a) permits the City to make modifications or changes to the Codes, which are reasonably necessary because of local climatic, geographic, or topographic conditions; and

WHEREAS, Health and Safety Code Section 17958.7 requires that the City Council, before making any modifications or changes to Section 17958.5 make express findings that such changes or modifications are needed due to local climatic, geographic, or topographic conditions; and

WHEREAS, the Chief Building Official has recommended that changes and modifications be made to the Codes and have advised that these changes and modifications to the model codes are reasonably necessary due to local conditions in the City of Newport Beach and have further advised that the remainder of said changes and modifications are administrative or procedural in nature.

NOW THEREFORE, the City Council of the City Of Newport Beach does hereby **RESOLVE** as follows:

SECTION 1: The following changes and modifications to the 2013 Editions of the California Building Code, California Residential Code, California Electrical Code, California Mechanical Code, and California Plumbing Code as recommended by the Chief Building Official are hereby found to be necessary due to local climatic, geographic or topographic conditions:

1. **Newport Municipal Code Section 15.03.060 amends the International Property Maintenance Code to require pool depth to be consistent with the California Building Code.**

Similar requirement in the California Building Code

2. **Newport Beach Municipal Code Section 15.04.040 amends California Building Code Sections 403.4.9.1 to require stair ventilation and smoke detection in a high-rise building to be part of the emergency power load instead of part of standby power load.**

Applicable findings: a, b, c

3. **Newport Beach Municipal Code Sections 15.04.050 through 15.04.100 amends California Building Code Chapter 7A (Materials and Construction Methods for Exterior Wildfire Exposure) to provide fire-resistive construction requirements for additions, alterations and accessory structures on parcels adjacent to very high fire hazard severity zones within the City of Newport Beach.**

Applicable findings: d, e, f

4. **Newport Beach Municipal Code Section 15.04.110 amends California Code Section 903.2 to require a fire sprinkler system in new structures other than one- and two-family dwellings with an area exceeding 5,000 square ft.; and in existing buildings when an addition exceeds 50% of the existing building area, and the total area of the building exceeds 5,000 sq.ft.**

Applicable findings: c, d, e

5. **Newport Beach Municipal Code Section 15.04.120 amends California Building Code Section 903.2.8 to be consistent with California Residential Code Section R313.2 to require fire sprinkler systems in all new one- and two-family dwellings and to require fire sprinkler systems be installed with the construction of a significant addition and reconstruction.**

Applicable findings: d, e, f

6. **Newport Beach Municipal Code Section 15.04.130 amends California Building Code Sections 907.5.2.2 to require a fire alarm system in high rise apartment houses and hotel guest rooms.**

Applicable findings: a, b, c

7. **Newport Beach Municipal Code Sections 15.04.140 to 15.04.160 amend sections of Chapter 15 of the California Building Code to provide Class A roof cover within high fire hazard severity zones and prohibit the use of wood roof covers. It also allows use of Class B fire-retardant wood roof**

covering as part of Class A roof assembly in other than high fire hazard severity zone.

Applicable findings: d, e, f

8. **Newport Beach Municipal Code Section 15.04.170 amends California Building Code Section 1704.2.1 to establish special inspector qualifications.**

Applicable findings: g, h

9. **Newport Beach Municipal Code Section 15.04.180 amends California Building Code Section 1905.1.8 to eliminate plain concrete footings.**

Applicable findings: g, h

10. **Newport Beach Municipal Code Section 15.04.190 amends California Building Code Section 3109.4.4.2 to clarify that pool safety fencing is also required for protection of the public.**

Clarification of code requirements

11. **Newport Beach Municipal Code Section 15.04.200 amends California Building Code Section 3401.3.1 to allow the use of the 2013 California Existing Building Code as an alternate standard for additions, alterations and repairs of existing structures.**

Applicable findings: g, h

12. **Newport Beach Municipal Code Section 15.05.060 deletes California Residential Code Section R301.1.1.1 in its entirety.**

Applicable findings: d, e

13. **Newport Beach Municipal Code Section 15.05.070 amends California Residential Code Section R301.1.3 to require engineered design.**

Applicable findings: h, i, j

14. **Newport Beach Municipal Code Section 15.05.080 amends California Residential Code Section R301.1.3.2 to require a licensed architect or engineer for all dwellings that are more than two stories in height or include a basement.**

Applicable findings: h, i, j

15. **Newport Beach Municipal Code Section 15.05.090 amends California Residential Code Table R301.2(1) Footnote g to reference the City's Flood Insurance Rate Map (FIRM).**

Applicable findings: j

16. **Newport Beach Municipal Code Section 15.05.110 amends California Residential Code Section R309.3 to delete Newport Beach Municipal Code Chapter 15.50 for Floodplain Management.**

Applicable findings: j

17. **Newport Beach Municipal Code Section 15.05.120 deletes California Residential Code Section R313 and substitutes amended California Building Code Section 903.2.8 for fire sprinkler requirements in one- and two-family dwellings. The amendment includes the requirement to provide fire sprinkler systems when an addition and/or reconstruction to a single-family dwelling exceeds 2,000 sq.ft.**

Applicable findings: d, e, f.

18. **Newport Beach Municipal Code Section 15.05.125 amends California Residential Code Section R319.1 by adding that buildings that are adjacent to an alley shall provide address numbers on the alley side.**

Applicable findings: g, h

19. **Newport Beach Municipal Code Section 15.05.130 deletes Section R322 with the replacement of the City of Newport Beach Municipal Code Chapter 15.50, Floodplain Management.**

Applicable findings: j

20. **Newport Beach Municipal Code Section 15.05.140 deletes California Residential Code Section R327 and substitutes California Building Code Chapter 7A for construction requirements within high fire hazard areas.**

Similar requirement in the California Building Code

21. **Newport Beach Municipal Code Section 15.05.150 amends California Residential Code Section R329 to require sound transmission ratings between dwelling units and town homes.**

Similar requirement in the California Building Code

22. **Newport Beach Municipal Code Section 15.05.160 adds Section R332 to the California Residential Code and references California Building Code Section 3109.4.4 for pool safety requirements.**

Reference to California Building Code

23. **Newport Beach Municipal Code Section 15.05.170 amends California Residential Code Section R401.1 to reference Newport Beach Municipal Code Chapter 15.50 for construction requirements within flood hazard areas and not allow wood foundations in seismic design categories D2 or E.**

Applicable findings: i, j

24. **Newport Beach Municipal Code Section 15.05.180 amends Section R401.4 to reference Newport Beach Municipal Code Chapter 15.10 for excavation and grading requirements.**

Reference the Municipal Code

25. **Newport Beach Municipal Code Section 15.05.190 amends California Residential Code Section R401.4.1 to give the Building Official discretion over requiring a soils report.**

Applicable findings: h, i

26. **Newport Beach Municipal Code Section 15.05.200 deletes the California Residential Code Section R403.1.3 exception which allows unreinforced concrete footings.**

Applicable findings: h, i

27. **Newport Beach Municipal Code Section 15.05.210 deletes California Residential Code Section R404 which allows prescriptive retaining wall design.**

Applicable findings: h, i

28. **Newport Beach Municipal Code Section 15.05.220 amends California Residential Code Section R405.1 exception 2 to not allow foundation dewatering for basement walls extending below high tide bay water elevation.**

Applicable findings: i

29. **Newport Beach Municipal Code Section 15.05.230 deletes California Residential Code Section R602.3.2 exception which allows a single top plate on a stud wall.**

Applicable findings: h

30. **Newport Beach Municipal Code Section 15.05.240 deletes California Residential Code Section R602.10 which allows prescriptive wall bracing.**

Applicable findings: h

31. **Newport Beach Municipal Code Section 15.05.250 deletes California Residential Code Section R602.12 which allows simplified wall bracing.**

Applicable findings: h

32. **Newport Beach Municipal Code Section 15.05.260 deletes California Residential Code Section R902 and replaces California Building Code Section 1505.**

Applicable findings: d, e, f (also see item #8)

33. **Newport Beach Municipal Code Section 15.06.020 and 15.06.030 amends California Electrical Code, Article 342.10 and 344.10 to not allow the direct contact of Intermediate Metal Conduit with earth.**

Applicable findings: i, j

34. **Newport Beach Municipal Code Section 15.06.040 amends California Electrical Code, Article 358.10 to not allow the direct contact of Electrical Metal Tubing with earth.**

Applicable findings: i, j

35. **Newport Beach Municipal Code Section 15.07.020 amends California Mechanical Code, Section 103.2 to allow for code modifications.**

Consistent with the Building Code

- 36. Newport Beach Municipal Code Section 15.08.020 amends California Plumbing Code, Section 102.6 to allow for code modifications.**

Consistent with the Building Code

- 37. Newport Beach Municipal Code Section 15.09.050 amends the Uniform Swimming Pool, Spa and Hot Tub Code section 301.3 reference the California Building Code with regard to pool enclosures and safety devices.**

Consistent with the Building Code

- 38. Newport Beach Municipal Code Section 15.09.060 amends the Uniform Swimming Pool, Spa and Hot Tub Code section 310.1 through 310.4 to reference the Newport Beach Excavation and Grade Code Chapter 15.10.**

Reference the City's Municipal Code

- 39. Newport Beach Municipal Code Section 15.09.070 amends the Uniform Swimming Pool, Spa and Hot Tub Code section 509.3 to reference the City's Floodplain Management Code requirements.**

Applicable findings: g

- 40. Newport Beach Municipal Code Section 15.10.030 amends the Excavation and Grading Code section 15.10.030 item A.6 to add back fill requirements to exploratory excavations.**

Applicable findings: k

- 41. Newport Beach Municipal Code Section 15.10.040 amends the Excavation and Grading Code section 15.10.040 item B was added ensure shoring for trenches five feet or more for worker protection and public safety.**

Applicable findings: i

- 42. Newport Beach Municipal Code Section 15.10.050 amends the Excavation and Grading Code section 15.10.050 adding and clarifying definitions.**

Consistent with the Building Code

- 43. Newport Beach Municipal Code Section 15.10.125 adds to the Excavation and Grading Code section 15.10.125 requirements for protection of adjoin properties.**

Applicable findings: g,h,i

- 44. Newport Beach Municipal Code Sections 15.11.010 through 15.11.030. The following California Green Building Standards Code residential and nonresidential voluntary measures have been adopted as mandatory measures: A4.203.1.1; A4.204.1.1; A4.303.1; A4.303.3; A4.506.1; A5.106.2; A5.106.2.1; A5.106.2.2; A5.203.1.1; A5.212.1; A5.303.3(1) and (2). These measures require a higher level of energy and water conservation and better storm water quality and interior air quality.**

Applicable findings: k

SECTION 2: FINDINGS:

- a. The City of Newport Beach is located in an area subject to a climatic condition of high winds. This environment is conducive to rapidly spreading fires. Control of such fires requires a rapid response. Obstacles generated by a strong wind, such as fallen trees, street lights and utility poles, and the requirement to climb up flights of stairs will greatly impact the response time to reach an incident scene. Additionally the amount of wind force at 60 ft. above the ground puts rescue personnel at increased risk of injury when they are using aerial-type fire fighting apparatus above this height.
- b. The City of Newport Beach is located in a seismically active area. The public water system may be likely damaged after a major seismic event. This would leave tall buildings vulnerable to uncontrolled fires due to a lack of available water and an inability to pump sufficient quantities of available water. A severe seismic event has the potential to negatively impact any rescue or fire suppression activities because it is likely to create obstacles similar to those indicated under the high wind section above.
- c. Due to the geographic conditions of widespread development separated by waterways and the street congestion caused by local geography, and due to the seismic activity and the expected infrastructure damage inherent in a seismic hazard zone, it is prudent to rely on automatic fire sprinkler systems to mitigate extended Fire Department response time and keep fires manageable with reduced fire flow (water) requirements for a given structure.
- d. Many areas of Newport Beach have developments abutting wildland and canyons with significant growths of vegetation of a highly combustible nature, classified as Very High Fire Hazard Severity Zones.
- e. The City of Newport Beach, especially the foothill areas, is geographically located in an area periodically subject to high temperature dry Santa Ana wind conditions of high velocity. Moreover, the topographical conditions of the foothill areas and canyons contained therein tend to accelerate the periodic high velocity winds by means of a venturi effect. The use of non-rated or special purpose roofing materials as roof coverings within the City of Newport Beach may create an inordinate fire hazard during periods of high velocity winds when fire may spread across buildings with roof coverings of non-rated combustible materials.
- f. Embers from chimneys without spark arresters within the City of Newport Beach, including the foothill areas, coupled with the climatic, topographic and geographic conditions described herein above, may permit the throwing of sparks, embers and cinders upon non-rated and special purpose roofing material roofs during periods of high velocity winds, thereby creating a fire hazard which in turn may spread throughout areas where the roofs of structures are covered with wood shakes and shingles.

- g. The City of Newport Beach is subject to seismic activity which may result in damage to existing structures that do not comply with current code. Repair of earthquake damage according to Chapter 34 of the California Building Code requires upgrading the existing building to a standard higher than that to which it was built, which creates a financial hardship for the building owner to repair an earthquake-damaged structure or strengthen it prior to a seismic event. The California Existing Building Code provides a reasonable performance standard for strengthening and repair of structures. FEMA requires adoption of performance standards for the repair of damaged structures as a condition of financial assistance after disasters.
- h. The City of Newport Beach is located in a seismically active area. There are earthquake faults that run along both the northeastern and southwestern boundaries of Orange County. The Newport-Inglewood Fault Zone (NIFZ) which runs through Orange County was the source of the destructive 1933 Long Beach earthquake (6.3 magnitude, hypocenter off Newport Beach coast), which took 120 lives, with areas damaged from Laguna Beach to Marina del Rey and inland to Whittier, and poses one of the greatest hazards to lives and property in the nation. Regional planning for reoccurrence is recommended by the State of California, Department of Conservation. There was also an earthquake in December 1989, with the epicenter located near the City of Irvine. The fault on which this quake occurred was unknown prior to this activity. The City of Newport Beach contains hilly areas subject to landslides and coastal areas subject to liquefaction.
- i. The City of Newport Beach has coastal and bay front areas with sandy soils and a shallow water table at the same elevation as bay water elevation which fluctuates with the tide. Sandy soils and high ground water level may cause the soils to liquefy during a seismic event.
- j. The City of Newport Beach contains low lying coastal areas subject to flooding from sustained rain with tides which hinders drainage to the bay. Certain other areas such as Balboa Island are subject to water surges from drainage through back bay. Other oceanfront areas are subject to flooding from storm-driven surf. West Newport Beach is subject to flooding from the Santa Ana River. The City of Newport Beach participates in the Federal Flood Insurance Program and has adopted a FEMA-required flood management ordinance with flood mitigation measures including construction requirements contained in Newport Beach Municipal Code Chapter 15.50.
- k. Newport Beach is located in Southern California and can be subject to air pollution, water and power shortages, climate change, and potential pollution of bay water.

SECTION 3: A copy of this Resolution together with the Ordinances adopting the City Codes shall be filed with the California Building Standards Commission and the California Department of Housing and Community Development by the City Clerk of the City of Newport Beach as required by State law (Health and Safety Code Section 17958.7).

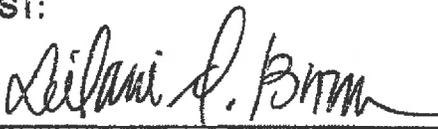
SECTION 4: This Resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

ADOPTED this 12th day of November, 2013.



Keith D. Curry, Mayor

ATTEST:



Lelani I. Brown, City Clerk



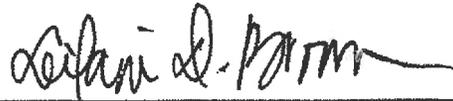
STATE OF CALIFORNIA }
COUNTY OF ORANGE }
CITY OF NEWPORT BEACH } ss.

I, Leilani I. Brown, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; that the foregoing resolution, being Resolution No. 2013-79 was duly and regularly introduced before and adopted by the City Council of said City at a regular meeting of said Council, duly and regularly held on the 12th day of November, 2013, and that the same was so passed and adopted by the following vote, to wit:

Ayes: Gardner, Petros, Hill, Selich, Henn, Daigle, Mayor Curry

Nays: None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 13th day of November, 2013.



City Clerk
Newport Beach, California

(Seal)



**CITY OF NEWPORT BEACH
BUILDING DEPARTMENT
ORDINANCE NO. 2013-24**

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ORDINANCE NO. 2013-24

AN ORDINANCE OF THE CITY OF NEWPORT BEACH AMENDING TITLE 15 OF THE NEWPORT BEACH MUNICIPAL CODE TO ADOPT AMENDMENTS TO CHAPTER 1 DIVISION II OF THE 2013 CALIFORNIA BUILDING CODE DESIGNATED AS THE NEWPORT BEACH ADMINISTRATIVE CODE; TO ADOPT THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE; THE 2013 CALIFORNIA HISTORICAL CODE; THE 2013 CALIFORNIA EXISTING BUILDING CODE; TO ADOPT WITH LOCAL AMENDMENTS TO THE 2013 EDITION OF THE CALIFORNIA BUILDING CODE; THE 2013 EDITION OF THE CALIFORNIA RESIDENTIAL CODE; THE 2013 CALIFORNIA ELECTRICAL CODE; THE 2013 CALIFORNIA PLUMBING CODE; THE 2013 CALIFORNIA MECHANICAL CODE; THE 2012 UNIFORM SWIMMING POOL, SPA AND HOT TUB CODE; THE EXCAVATION AND GRADING CODE; AND THE 2013 CALIFORNIA GREEN BUILDING STANDARDS CODE

RECITALS

WHEREAS, Health & Safety Code Sections 17922 and 18935, the Building Standards Commission ("BSC") has approved the adoption of new model codes relating to design and construction for the protection of life and property. The BSC has advised local jurisdictions that the State will adopt the 2013 Edition of the California Building Code ("CBC"); and

WHEREAS, the 2013 CBC is based on the 2012 International Building Code. The CBC published by the BSC in Title 24, Part 1; Part 2 Volume I & II; Part 2.5, Part 3, Part 4, Part 5, Part 6, Part 11 are mandated to be enforced on January 1, 2014. In order to include our local amendments and enhance life safety and property protection, the City of Newport Beach must complete its adoption process thirty (30) days prior to January 1, 2014. The adoption of the code into the City Municipal Code provides for an orderly administration of the codes by City Building and Fire officials; and

WHEREAS, local jurisdictions may amend the State Building Code as necessary to mitigate differences caused by local topographical, geographical, and climatic conditions. In accordance with California Health and Safety Code Section 17958.7, any modifications made via local ordinance must be filed, along with the findings thereto, with the BSC. These local changes will be incorporated into Title 15 of the Newport Beach Municipal Code; and

WHEREAS, to aid in efficiency and clarity, portions of Title 15 are amended in their entirety as indicated in this ordinance and replaced with each of these modifications to the State code that are correlated with the findings in Resolution No. 2013-79 adopted by the City Council of the City of Newport Beach on November 12,

2013. When approved, the ordinance and accompanying resolution will be forwarded to the BSC in compliance with the above mentioned code sections, and

WHEREAS, the various parts of these codes and standards, along with the additions, amendments and deletions adopted in this section, shall constitute and be known as the Newport Beach Administrative Code; and

WHEREAS, all prior references to the former Newport Beach Administrative Code shall be construed to apply to the corresponding provisions of the Newport Beach Administrative Code contained herein; and

WHEREAS, the 2013 California Building Code is similar to the 2010 version; the attached ordinance contains similar provisions as adopted by the City Council in 2010. Staff has taken the opportunity to review existing amendments in detail and some modifications are recommended.

NOW, THEREFORE, The City Council of the City of Newport Beach does ordain as follows:

SECTION 1. Chapter 15.02 of the Newport Beach Municipal Code is deleted in its entirety and amended to read as follows:

**Chapter 15.02
ADMINISTRATIVE CODE**

Sections:

- 15.02.010 Adoption of the Administrative Code.
- 15.02.020 Amendment to Section 101.1.
- 15.02.030 Amendment to Section 101.4.1.
- 15.02.040 Amendment to Section 101.4.2.
- 15.02.050 Amendment to Section 101.4.3.
- 15.02.060 Amendment to Section 101.4.4.
- 15.02.070 Amendment to Section 101.4.5.
- 15.02.080 Amendment to Section 101.4.6
- 15.02.090 Amendment to Section 102.6.
- 15.02.100 Added to Section 102.7.
- 15.02.110 Amendment to Section 103.1
- 15.02.120 Amendment to Section 105.2
- 15.02.130 Amendment to Section 105.3.2
- 15.02.140 Amendment to Section 105.5
- 15.02.150 Amendment to Section 109.4

Section 15.02.010 Adoption of the Administrative Code.

15.02.010 Adoption of Section 15.02.010

The City Council adopts and incorporates by reference, as though set forth in full in this section Chapter 1 Division II of the 2013 Edition of the California Building Code as published by the International Code Council.

The various parts of this chapter, including additions, amendments and deletions adopted in this section, shall constitute and be known as the Newport Beach Administrative Code. A copy of the 2013 California Building Code printed in code book form shall be kept on file in the office of the City Clerk.

Section 15.02.020 Amendment to Section 101.1

Section 101.1 is amended to read as follows:

Section 101.1 Title. These regulations shall be known as the Newport Beach Administrative Code, hereinafter referred to as "this code."

Section 15.02.030 Amendment to Section 101.4.1

Section 101.4.1 is amended to read as follows:

Section 101.4.1 Gas. The provisions of the California Plumbing Code shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

Section 15.02.040 Amendment to Section 101.4.2

Section 101.4.2 is amended to read as follows:

Section 101.4.2 Mechanical. The provisions of the California Mechanical Code shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

Section 15.02.050 Amendment to Section 101.4.3

Section 101.4.3 is amended to read as follows:

Section 101.4.3 Plumbing. The provisions of the California Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

Section 15.02.060 Amendment to Section 101.4.4

Section 101.4.4 is amended to read as follows:

Section 101.4.4 Property maintenance. The provisions of the Newport Beach Property Maintenance Code shall apply to existing residential structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

Section 15.02.070 Amendment to Section 101.4.5

Section 101.4.5 is amended to read as follows:

Section 101.4.5 Fire prevention. The provisions of the California Fire Code as amended by the City of Newport Beach shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

Section 15.02.080 Amendment to Section 101.4.6

Section 101.4.6 is amended to read as follows:

Section 101.4.6 Energy. The provisions of the California Energy Code shall apply to all matters governing the design and construction of buildings for energy efficiency.

Section 15.02.090 Amendment to Section 102.6

Section 102.6 is amended to read as follows:

Section 102.6 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the California Building Code, the California Residential Code, the California Property Maintenance Code, or the California Fire Code, or as is deemed necessary by the Chief Building Official for the general safety and welfare of the occupants and the public.

Section 15.02.100 Added to Section 102.7

Section 102.7 is added to read as follows:

Section 102.7 Remodel or renovation. If the valuation of the permit for the remodel or renovation of a building is equal to or exceeds 50 percent of the market value of such building, then the entire building shall comply with the Code provisions for new construction.

Exceptions:

1. This provision does not apply for permit valuations less than \$200,000;
2. The Chief Building Official is authorized to accept less than the requirements for new construction if substantial conformance to the requirements is found and the protection of life and property are maintained.

Section 15.02.110 Amendment to Section 103.1

Section 103.1 is amended to read as follows:

Section 103.1 Creation of enforcement agency. The Building Division is hereby created and the official in charge thereof shall be known as the Chief Building Official.

Section 15.02.120 Amendment to Section 105.2

Section 105.2 is amended to read as follows:

Section 105.2 Work exempt from permit.

Buildings 2: Masonry or concrete fences not over 3.5 feet (1,066.8 mm) in height above lowest adjacent grade, and all other fences not over 6 feet (1,828.8 mm) in height above lowest adjacent grade.

Section 15.02.130 Amendment to Section 105.3.2

Section 105.3.2 is amended to read as follows:

Section 105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Chief Building Official is authorized to grant extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Section 15.02.140 Amendment to Section 105.5

Section 105.5 is amended to read as follows:

Section 105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or

abandoned for a period of 180 days after the date of the last recorded inspection. Before such work can be recommenced, a new permit shall be first obtained to do so, and the permittee shall pay a new permit fee except for permits for suspended or abandoned work where inspections were previously recorded the fee shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original approved plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. Permits shall not be renewed more than once. The Chief Building Official is authorized to grant, in writing, one or more extensions of time, for a period not more than 180 days each provided work has not commenced. The extension shall be requested in writing and justifiable cause demonstrated.

Section 15.02.150 Amendment to Section 109.4

Section 109.4 is amended to read as follows:

Section 109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to an investigation fee in addition to the required permit fees. The investigation fee shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required in the City Council fee resolution. The payment of such investigation fee shall not exempt an applicant from compliance with all other provisions of either this code or the technical codes nor from the penalty prescribed by law.

SECTION 2. Chapter 15.03 of the Newport Beach Municipal Code is deleted in its entirety and amended to read as follows:

**Chapter 15.03
INTERNATIONAL PROPERTY MAINTENANCE CODE**

Sections:

- 15.03.010 Adoption of the International Property Maintenance Code
- 15.03.020 Deletion of Chapter 1, except Sections 101, 102 and 108.1 through 108.1.5
- 15.03.030 Amendment to Section 101.1
- 15.03.040 Amendment to Section 101.2
- 15.03.050 Amendment to Section 102.3
- 15.03.060 Amendment to Section 303.2

Section 15.03.010 Adoption of the International Property Maintenance Code

The City Council adopts and incorporates by reference, as set forth in full in this section, the 2012 International Property Maintenance Code, as published by the International Code Council.

The various parts of this Code, along with the amendments and deletions adopted in this section, shall constitute and be known as the Newport Beach Property Maintenance Code. A copy of the 2012 International Property Maintenance Code shall be kept on file in the office of the City Clerk.

Section 15.03.020 Deletion of Chapter 1, except Sections 101, 102, and 108.1 through 108.1.5

Section 15.03.020 Chapter 1 of the Property Maintenance Code is deleted, except Sections 101, 102, 105, and 108.1 through 108.1.5.

Section 15.03.030 Amendment to Section 101.1

Section 101.1 is amended to read as follows:

Section 101.1 Title. These regulations shall be known as the Newport Beach Property Maintenance Code, herein referred to as "this code."

Section 15.03.040 Amendment to Section 101.2

Section 101.2 is amended to read as follows:

Section 101.2 Scope. The provisions of this code shall apply to all existing residential structures and all existing premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

Section 15.03.050 Amendment to Section 102.3.

Section 102.3 is amended to read as follows:

Section 102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the applicable adopted codes. Nothing in this code shall be construed to cancel, modify or set aside any provisions of the Newport Beach Zoning Code.

Section 15.03.060 Amendment to Section 303.2

Section 303.2 is amended to read as follows:

Section 303.2 Enclosures. Private swimming pools, hot tubs and spas containing water more than 18 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 60 inches (1524 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

SECTION 3. Chapter 15.04 of the Newport Beach Municipal Code is deleted in its entirety and amended to read as follows:

**Chapter 15.04
BUILDING CODE**

Sections:

15.04.010	Adoption of the California Building Code
15.04.020	Deletion of Section 104.10.1
15.04.030	Amendment to Section 105.2
15.04.040	Amendment to Section 403.4.9.1
15.04.050	Amendment to Section 701A.1
15.04.060	Amendment to Section 701A.3
15.04.070	Amendment to Section 701A.3.1
15.04.080	Amendment to Section 702A
15.04.090	Amendment to Section 708A
15.04.100	Amendment to Section 710A
15.04.110	Amendment to Section 903.2
15.04.120	Amendment to Section 903.2.8
15.04.130	Amendment to Section 907.5.2.2
15.04.140	Amendment to Section 1505.1
15.04.150	Amendment to Table 1505.1
15.04.160	Amendment to Section 1505.1.3
15.04.170	Amendment to Section 1704.2.1
15.04.180	Amendment to Section 1905.1.8
15.04.190	Deletion of Sections 2308.9.3 and 2308.9.3.1
15.04.200	Deletion of Section 2308.12.4 and 12.14.1
15.04.210	Amendment to Section 3109.4.4.2
15.04.220	Addition of Section 3401.3.1

Section 15.04.010 Adoption of the 2013 California Building Code

The City Council adopts and incorporates by reference, as though set forth in full in this section, the 2013 Edition of the California Building Code, Volumes 1 and 2, including Appendix C, I, and all national codes and standards referenced therein, based on the 2010 International Building Code, as published by the International Code Council.

The various parts of these codes and standards, along with the additions, amendments and deletions adopted in this section, shall constitute and be known as the Newport Beach Building Code. A copy of the 2013 California Building Code Volumes 1 and 2, printed in code book form, shall be kept on file in the office of the City Clerk.

Section 15.04.020 Deletion of Section 104.10.1

Section 104.10.1 is deleted in its entirety.

Section 15.04.030 Amendment to Section 105.2

Section 105.2 is amended to read as follows:

Section 105.2 Work exempt from permit.

Buildings 2: Masonry or concrete fences not over 3.5 feet (1,066.8 mm) in height above lowest adjacent grade, and all other fences not over 6 feet (1,828.8 mm) in height above lowest adjacent grade.

Section 15.04.040 Amendment to Section 403.4.9.1

Section 403.4.9.1 is amended to read as follows:

Section 403.4.9.1 Emergency power loads. The following are classified as emergency power loads:

5. Fire alarm systems;
6. Electrically powered fire pumps; and
7. Ventilation and automatic fire detection equipment for smokeproof enclosures.

Section 15.04.050 Amendment to Section 701A.1

Section 701A.1 is amended to read as follows:

Section 701A.1 SECTION 701A SCOPE, PURPOSE AND APPLICATION.

Section 701A.1 Scope. *This chapter applies to building materials, systems and/or assemblies used in the exterior design and construction of buildings including one-and two-family dwellings located within a Fire Hazard Severity Zone or Wildland-Urban Interface Fire Area as defined in Section 702A.*

Section 15.04.060 Amendment to Section 701A.3

Section 701A.3 is amended to read as follows :

Section 701A.3 Application. *New buildings, alterations and additions located in any Fire Hazard Severity Zone or any Wildland-Urban Interface Fire Area designated by the enforcing agency constructed after the application date shall comply with the provisions of this chapter.*

Exceptions:

1. *Buildings of an accessory character classified as a Group U occupancy and not exceeding 120 square feet in floor area, when located at least 30 feet from an applicable building.*
2. *Buildings of an accessory character classified as Group U occupancy of any size located at least 50 feet from an applicable building.*
3. *Buildings classified as a Group U Agricultural Building, as defined in Section 202 of this code (see also Appendix C – Group U Agricultural Buildings), when located at least 50 feet from an applicable building.*

Section 15.04.070 Amendment to Section 701A.3.1

Section 701A.3.1 is amended by deleting Exception #2 in its entirety:

Section 701A.3.1 Application date and where required.

Section 15.04.080 Amendment to Section 702A

Section 702A is amended with one addition to read as follows:

SECTION 702A DEFINITIONS

UNENCLOSED COVERED STRUCTURE. Includes covered structures with a solid or open roof and no more than one enclosed side.

Section 15.04.090 Amendment to Section 708A

Section 708A is amended to read as follows:

SECTION 708A EXTERIOR WINDOWS, DOORS AND SKYLIGHTS

Section 708A.1 General.

Section 708A.2 Exterior glazing. *The following exterior glazing materials and/or assemblies shall comply with this section:*

1. *Exterior windows*
2. *Exterior glazed doors*

3. *Glazed openings within exterior doors*
4. *Glazed openings within exterior garage doors*
5. *Exterior structural glass veneer*
6. *Skylights*

Section 708A.2.1 Exterior windows, exterior glazed door assembly and skylight assembly requirements. *Exterior windows, exterior glazed door assemblies and skylight assemblies shall comply with one of the following requirements:*

Section 15.04.100 Amendment to Section 710A

Section 710A is amended to read as follows:

SECTION 710A ACCESSORY STRUCTURES

Section 710A.1 General. *Accessory and miscellaneous structures, other than buildings covered by Section 701A.3 shall be constructed to conform to the ignition resistance requirements of this section.*

Section 710A.2 Applicability. *The provisions of this section shall apply to trellises, arbors, patio covers, carports, gazebos and similar unenclosed covered structures of an accessory or miscellaneous character.*

Exceptions:

1. *Decks shall comply with the requirements of Section 709A.*
2. *Awnings and canopies shall comply with the requirements of Section 3105.*

Section 710A.3 Where required. *Accessory structures shall comply with the requirements of this section.*

710A.3.1 Attached accessory structures shall comply with the requirements of this section.

710A.3.2 Detached accessory structures within 50 feet of an applicable building shall comply with the requirements of this section.

Section 710A.4 Requirements. *Accessory structures shall be constructed of noncombustible, ignition-resistant materials, or heavy timber.*

Section 15.04.110 Amendment to Section 903.2

Section 903.2 is amended to read as follows:

Section 903.2 Where required. *Approved automatic sprinkler systems in new buildings and structures shall be provided in the following locations:*

"Building Area" as used in this section shall mean gross building area enclosed within exterior walls.

1. **New buildings:** Notwithstanding any applicable provisions of Sections 903.2.1 through 903.2.12, an automatic fire-extinguishing system shall be installed in all occupancies when the total building area exceeds 5,000 square feet (465 m²).
Exception: Group R occupancies. Group R occupancies shall comply with Section 903.2.8.
2. **Existing buildings:** Notwithstanding any applicable provisions of this code, an automatic sprinkler system shall be provided in an existing building when the total area of the addition and reconstruction is 50% or more of the existing building area and the resulting building area exceeds 5,000 square feet (465 m²).
Exception: Group R occupancies. Group R occupancies shall comply with Section 903.2.8.

Section 15.04.120 Amendment to Section 903.2.8

Section 903.2.8 is replaced in its entirety:

Section 903.2.8 Group R. An *automatic sprinkler system* installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R *fire area* as follows:

1. **New buildings:** An automatic sprinkler system shall be installed throughout all new buildings.
2. **Existing buildings:** An automatic sprinkler system shall be installed throughout when one of the following conditions exists:
 - a. When the total area of addition and reconstruction exceeds 2,000 sq.ft. and exceeds 50% of the area of the existing structure.
 - b. An addition when the existing building is already provided with automatic fire sprinkler system.
 - c. As determined for new construction per Section 102.7

The Chief Building Official may approve alternative methods and materials when an equivalent or greater level of Fire protection is achieved.

Section 15.04.130 Amendment to Section 907.5.2.2

Section 907.5.2.2 is amended to add items 5 and 6 and to read as follows:

Section 907.5.2.2 Emergency voice/alarm communication systems. Emergency voice/alarm communication systems required by this code shall be designed and installed in accordance with NFPA 72. The operation of any automatic fire detector, sprinkler waterflow device or manual fire alarm box shall automatically sound an

alert tone followed by voice instructions giving *approved* information and directions for a general or staged evacuation in accordance with the building's fire safety and evacuation plans required by Section 404. In high-rise buildings and Group I-2 occupancies having occupied floors located more than 75 feet above the lowest level of fire department vehicle access, the system shall operate on a minimum of the alarming floor, the floor above and the floor below. Speakers shall be provided throughout the building by paging zones. At a minimum, paging zones shall be provided as follows:

1. Elevator groups.
2. Exit stairways.
3. Each floor.
4. Areas of refuge as defined in Section 1002.1
5. Dwelling units in apartment houses.
6. Hotel guest rooms or suites.

Exception: In Group I-2 and R-2.1 occupancies, the alarm shall sound in a constantly attended area and a general occupant notification shall be broadcast over the overhead page.

Section 15.04.140 Amendment to Section 1505.1

Section 1505.1 is amended to read as follows:

Section 1505.1 General. Roof assemblies shall be divided into the classes defined below. Class A, B and C roof assemblies and roof coverings required to be listed by this section shall be tested in accordance with ASTM E 108 or UL 790. In addition, fire-retardant-treated wood roof coverings shall be tested in accordance with ASTM D 2898. The minimum roof coverings installed on buildings shall comply with Table 1505.1 based on the type of construction of the building.

Exceptions:

1. Skylights and sloped glazing that comply with Chapter 24 or Section 2610.
2. Membrane structures that comply with Chapter 31.

Section 15.04.150 Amendment to Table 1505.1

Table 1505.1 is amended to read as follows:

TABLE 1505.1^a MINIMUM ROOF COVERING CLASSIFICATION FOR TYPES OF CONSTRUCTION

IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A	A	A	A	A	A	A	A	A

Section 15.04.160 Amendment to Section 1505.1.3

Section 1505.1.3 is amended to read as follows:

Section 1505.1.3 Roof coverings within all other areas. New construction shall have Class A roof covering.

Exception: Class B wood roof covering may be used when:

1. It is a part of Class A roof assembly, and
2. Eaves are boxed 1-Hr assembly, and
3. Fire sprinkler system is provided throughout including attic space.

The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, and the entire roof covering of every existing structure when roof covering applied in the addition, alteration, repair or replacement of the roof exceeds 50 percent of the existing roof area; shall be a fire-retardant roof covering or assembly that is at least Class A.

When 50 percent or less of the total roof area is added, altered or replaced within any one-year period, the roof covering applied in the addition, alteration, repair or replacement of the roof of every existing structure shall be a fire-retardant roof covering that is at least Class B.

Section 15.04.170 Amendment to Section 1704.2.1

Section 1704.2.1 is amended to read as follows:

Section 1704.2.1 Special inspector qualifications. The special inspector shall be a qualified person approved by the Chief Building Official of the City of Newport Beach or his/her designated representative. The special inspector shall furnish continuous inspection on the construction and work requiring his/her employment as prescribed in the applicable code. The special inspector shall report to the Chief Building Official in writing, noting all code violations and other information as required on forms prescribed or approved by the City of Newport Beach.

Each person applying for listing/registration as a special inspector for the City of Newport Beach shall possess a valid certification from a certifying agency approved by the Chief Building Official, as a special inspector for each classification for which they apply. The Chief Building Official may administer testing procedures which he/she may find appropriate.

Each person applying for registration, as a special inspector for the City of Newport Beach, shall pay a registration fee as set forth in the City Council Fee Resolution, payable with the application.

A registration card shall be issued to each such special inspector who qualifies. A renewal fee as set forth in the City Council Fee Resolution for each classification shall be charged on July 1st of each year thereafter at which time the special inspector may be subject to re-examination.

The Chief Building Official may, in writing, suspend or revoke any special inspector's certificate of registration for due cause. This notice shall set forth the time and place evidence would be submitted to show cause why the certificates of registration should not be revoked. Failure to appear at such hearing by the special inspector may result in immediate revocation of said certificates. Special inspector's qualification registrations are to be given only for special inspections required in Chapter 17 of the California Building Code or for work specifically authorized by the Chief Building Official.

The registered design professional in responsible charge and engineers of record involved in the design of the project are permitted to act as the approved agency and their personnel are permitted to act as the special inspector for the work designed by them, provided they qualify as special inspectors.

Section 15.04.180 Amendment to Section 1905.1.8

Section 1905.1.8 is amended by deleting Exceptions 1 through 3 in its entirety:

Section 1905.1.8 ACI 318, Section 22.19

Section 15.04.190 Deletion of Section 2308.9.3 and 2308.9.3.1 in its entirety

Section 15.04.200 Deletion of Section 2308.12.4 and 2308.12.14.1 in its entirety

Section 15.04.210 Amendment to Section 3109.4.4.2

Section 3109.4.4.2. is amended to read as follows:

Section 3109.4.4.2 Construction permit; safety features required. Commencing January 1, 2007, except as provided in Section 3109.4.4.5, for the protection of the public, residents and their guests, whenever a building permit is issued for construction of a new swimming pool or spa, or any building permit is issued for remodeling of an existing pool or spa, at a private, single-family home, it shall be equipped with a barrier complying with Section 3104.4.4.3 and at least one of the following six drowning prevention safety features:

1. The pool shall be isolated from the access to a home by an enclosure that meets the requirements of Section 3109.4.4.3.

2. The pool shall be equipped with an approved safety pool cover that meets all requirements of the ASTM Specifications F 1346.
3. The residence shall be equipped with exit alarms on those doors providing direct access to the pool.
4. All doors providing direct access from the home to the swimming pool shall be equipped with a self-closing, self-latching device with a release mechanism placed no lower than 54 inches (1372 mm) above the floor.
5. Sonar swimming pool alarms that, when placed in pools, will sound upon detection of accidental or unauthorized entrance into the water. These pool alarms shall meet and be independently certified to the ASTM Standard F 2208 "Standards Specification for Pool Alarms." For purposes of this article, "swimming pool alarms" shall not include swimming protection alarm devices designed for individual use, such as an alarm attached to a child that sounds when the child exceeds a certain distance or becomes submerged in water.
6. Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the devices set forth in items 1-3, and have been independently verified by an approved testing laboratory as meeting standards for those devices established by the ASTM or the American Society of Testing Mechanical Engineers (ASME), inclusive, as determined by the Chief Building Official.

Section 15.04.220 Addition of Section 3401.3.1

Section 3401.3.1. is added to read as follows:

Section 3401.3.1 Alternative Compliance. Alterations, repairs, additions and changes of occupancy to existing structures may be designed to comply with the 2013 California Existing Building Code.

SECTION 4. Chapter 15.05 of the Newport Beach Municipal Code is deleted in its entirety and amended by adopting the 2010 California Residential Code as follows:

**Chapter 15.05
RESIDENTIAL CODE**

Sections

- 15.05.010 Adoption of the California Residential Code
- 15.05.020 Amendment to Section R101.1
- 15.05.030 Amendment to Section R101.2
- 15.05.040 Deletion of Sections R102 through R114
- 15.05.050 Addition to Sections R115
- 15.05.060 Deletion of Section R301.1.1.1
- 15.05.070 Amendment to Section R301.1.3
- 15.05.080 Amendment to Section R301.1.3.2
- 15.05.090 Amendment to Table R301.2(1)
- 15.05.100 Amendment to Table R301.2(1) Footnote g.

- 15.05.110 Deletion of Section R309.3
- 15.05.120 Deletion of Section R313
- 15.05.125 Amendment to Section R319.1
- 15.05.130 Deletion of Section R322
- 15.05.140 Deletion of Section R327
- 15.05.150 Addition of Section R329
- 15.05.160 Addition to Section R330
- 15.05.170 Amendment to Section R401.1
- 15.05.180 Amendment to Section R401.4.
- 15.05.190 Amendment to Section R401.4.1
- 15.05.200 Deletion of Exception to Section R403.1.3
- 15.05.210 Deletion of Section R404 in its entirety
- 15.05.220 Amendment to Section R405.1
- 15.05.230 Deletion of Exception to Section R602.3.2
- 15.05.240 Deletion of Section R602.10 in its entirety.
- 15.05.250 Deletion of Section R602.12 in its entirety
- 15.05.260 Deletion of Section R902

Section 15.05.010 Adoption of the California Residential Code

The City Council adopts and incorporates by reference, as though set forth in full in this section, the 2013 Edition of the California Residential Code including Appendix H and all national codes and standards referenced therein, based on the 2012 International Residential Code, as published by the International Code Council.

The various parts of these codes and standards, along with the additions, amendments, and deletions adopted in this section, shall constitute and be known as the Newport Beach Residential Code. A copy of the 2013 California Residential Code, printed in code book form, shall be kept on file in the office of the City Clerk.

Section 15.05.020 Amendment to Section R101.1

Section R101.1 is amended to read as follows:

Section R101.1 Title. These provisions shall be known as Newport Beach Residential Code, and shall be cited as such and will be referenced to herein as "this code."

Section 15.05.030 Amendment to Section R101.2

Sections R101.2 is amended to read as follows:

Section R101.2 Scope. The provisions of this Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures.

Exceptions:

1. Live/work units complying with the requirements of section 419 of the California Building Code shall be permitted to be built as one- and two-family dwellings or townhouses. Fire suppression required by Section 419.5 of the California Building Code when constructed under the California Residential Code for One- and Two-family Dwellings shall conform to Section 903.3.1.3 of the California Building Code.
2. Owner-occupied lodging houses with five or fewer guestrooms shall be permitted to be constructed in accordance with the California Residential Code for One- and Two-family Dwellings when equipped with a fire sprinkler system in accordance with Section 903.3.1.3 of the California Building Code.

15.05.040 Deletion of Sections R102 through R114 from Chapter 1, Division II
Sections R102 through R114 are deleted in their entirety. All administrative provisions including enforcement, permit process, fees, and inspections for these chapters are contained in the Administrative Code under Chapter 15.02.

15.05.050 addition to Sections R115

Section R115 is added to read as follows:

SECTION R115 – Existing Buildings

For existing One- and Two-family dwellings Chapter 34 for Existing Buildings of the 2013 California Building Code shall be the applicable code.

Section 15.05.060 Deletion of Section R301.1.1.1 in its entirety.

Section 15.05.070 Amendment to Section R301.1.3

Section R301.1.3 is amended to read as follows:

Section R301.1.3 Engineered design. Engineered design in accordance with the California Building Code is permitted for all buildings and structures, and parts thereof, included in the scope of this code.

Section 15.05.080 Amendment to Section R301.1.3.2

Section R301.1.3.2 is amended to read as follows:

Section R301.1.3.2 Wood frame structures greater than two-stories. The Chief Building Official shall require construction documents to be approved and stamped by a California licensed architect or engineer for all dwellings of wood frame construction more than two stories or basement in height. Notwithstanding

other sections of law, the law establishing these provisions is found in Business and Professions Code Sections 5537 and 6737.1.

15.05.090 Amendment to Table R301.2(1)

Table R301.2(1) is amended by completing the table to read as follows:

Table R301.2(1)

CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP	ICE BARRIER UNDER-LAYMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX	MEAN ANNUAL TEMP
	Speed ^d (mph)	Topography effects ^e		Weathering ^a	Frost line Depth ^b	Termite ^c					
Zero	85	No	D ₂ or E	Negligible	12" to 24"	Very Heavy	43	No	See footnote g	0	60

Section 15.05.100 Amendment to Table R301.2(1) Footnote g.

Table R301.2(1) footnote g is amended to read as follows:

Section Table R301.2(1) Footnote g. Refer to the National Flood Insurance Program (NFIP) as printed by the Federal Emergency Management Agency's Flood Insurance Rate Map (FIRM) revision date December 3, 2009; Community number: 060227; Panels: 264, 267, 268, 269, 286, 288, 289, 377, 381, 382, 384, 401, 402, 403, 404, 406 & 408; Suffix "J"; Initial NFIP; map date: March 15, 1974; and Initial FIRM date: September 1, 1978.

Section 15.05.110 Deletion of Section R309.3 Flood Hazard Areas, with the Replacement of the City of Newport Beach Code Chapter 15.50. Floodplain Management

Section R309.3 is deleted in its entirety, and replaced with the City of Newport Beach Municipal Code Chapter 15.50, Floodplain Management.

Section 15.05.120 Deletion of Section R313 Automatic Fire Sprinkler System.

Section R313 is deleted in its entirety and replaced by California Building Code Section 903.2.8 as amended in Section 15.04.140.

Section 15.05.125 Amendment to Section R319.1

Section R319.1 is amended as follows:

Section R319.1 Address numbers. Buildings shall have approved address numbers, building number or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property and alley if adjacent to the property. These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be minimum 4 inches (102 mm) high with a minimum stroke width of ½ inch (12.7 mm). Where access is by means of a private road and the building address cannot be viewed from a public way, a monument, pole or other sign or means shall be used to identify the structure.

Section 15.05.130 Deletion of Section R322 with the Replacement of the City of Newport Beach Municipal Code Chapter 15.50, Floodplain Management.

Section R322 is deleted in its entirety and replaced with the City of Newport Beach Municipal Code Chapter 15.50, Floodplain Management

Section 15.05.140 Deletion of Section R327 Materials and Construction Method of Exterior Wildfire Exposure.

Section R327 is deleted in its entirety and replaced by California Building Code Chapter 7A as amended in Sections 15.04.070 through 15.04.120.

Section 15.05.150 Addition of Section R329

Section R329 is added to read as follows:

SECTION R329 - SOUND TRANSMISSION

R329.1 General. Wall and floor-ceiling assemblies separating dwelling units including those separating adjacent townhouse units shall provide air-borne sound insulation for walls and both air-borne and impact sound insulation for floor-ceiling assemblies per section 1207 of the 2013 Edition, California Building Code, Title 24, Part 2.

Section 15.05.160 Addition to Section R332

Section R332 is added to read as follows:

SECTION R332 – SWIMMING POOLS, SPAS, AND HOT TUBS

R332.1 General. Private swimming pools, hot tubs and spas, containing water more than 18 inches in depth shall be constructed in accordance with the provisions contained in the City of Newport Beach Municipal Code, Chapter 15.09, Swimming Pool Code, and Section 3109.4.4 of the California Building Code.

Section 15.05.170 Amendment to Section R401.1

Section R401.1 is amended to read as follows:

Section R401.1 Application. The provisions of this chapter shall control the design and construction of the foundation and foundation spaces for all buildings. In addition to the provisions of this chapter, the design and construction of foundations in areas prone to flooding as established by Table R301.2(1) shall meet the provisions of NBMC Chapter 15.50. Wood foundation shall be designed and installed in accordance with AF&PA PWF.

Exception: The provisions of this chapter shall be permitted to be used for wood foundations in the following situations:

1. In buildings that have no more than two floors and a roof.
2. When interior basement and foundation walls are constructed at intervals not exceeding 50 feet (15,240 mm).

Wood foundations in Seismic Design Category D₂ or E shall not be permitted.

15.05.180 Amendment to Section R401.4 with the replacement of the City of Newport Beach Municipal Code, Chapter 15.10 EXCAVATION AND GRADING CODE.

Section R401.4 is amended to read as follows:

R401.4 Soils Test. The Chief Building Official shall determine whether to require a soil test to determine the soil's characteristics at a particular location. This test shall comply with the City of Newport Beach Municipal Code, Chapter 15.10 EXCAVATION AND GRADING CODE.

Section 15.05.190 Amendment to Section R401.4.1

Section R401.4.1 is amended to read as follows:

R401.4.1 Geotechnical evaluation. When a complete geotechnical evaluation is not required, as determined by the Chief Building Official, the load-bearing values in Table R401.4.1 shall be assumed.

Section 15.05.200 Deletion of Exceptions to Section R403.1.3.

Section R403.1.3 Exception is deleted in its entirety.

Section 15.05.210 Deletion of Section R404 in its entirety.

Section 15.05.220 Amendment to Section R405.1

Section R405.1 is amended by adding exception #2 to read as follows:

Exception:

1. A drainage system is not required when the foundation is installed on well-drained ground or sand-gravel mixture soils according to the Unified Soil Classification System, Group I Soils, as detailed in Table R405.1.
2. A foundation drainage system is not permitted for basement walls extending below high tide bay water elevation.

Section 15.05.230 Deletion of Exception to Section R602.3.2

Section R602.3.2 Exception is deleted in its entirety:

Section 15.05.240 Deletion of Section R602.10 in its entirety.

Section 15.05.250 Deletion of Section R602.12 in its entirety.

Section 15.05.260 Deletion of Section R902 Roof classification.

Section R902 is deleted in its entirety and replaced by California Building Code Section 1505 as amended in Newport Beach Municipal Code Sections 15.04.140 through 15.04.160.

SECTION 5: Chapter 15.06 of the Newport Beach Municipal Code is deleted in its entirety and amended to read as follows:

**Chapter 15.06
ELECTRICAL CODE**

Sections

- 15.06.010 Adoption of the California Electric Code.
- 15.06.020 Amendment to Article 342.10
- 15.06.030 Amendment to Article 344.10
- 15.06.040 Amendment to Article 358.10

Section 15.06.010 Adoption of the California Electric Code.

The City Council adopts and incorporates by reference, as though set forth in full in this section, the 2013 Edition of the California Electrical Code based on the 2011 National Electrical Code, as published by the National Fire Protection Association.

The various parts of this code shall constitute and be known as the Newport Beach Electrical Code. A copy of the 2013 California Electrical Code, printed in code book form, shall be kept on file in the office of the City Clerk. All administrative provisions including enforcement, permit process, fees, and inspections for these chapters are contained in the Administrative Code under Chapter 15.02.

Section 15.06.020 Amendment to Article 342.10

Article 342.10 is amended to read as follows:

342.10 Uses Permitted.

(A) All Atmospheric Conditions and Occupancies. Use of IMC shall be permitted under all atmospheric conditions and occupancies. Except in direct contact with earth.

Section 15.06.030 Amendment to Article 344.10

Article 344.10 is amended to read as follows:

344.10 Uses Permitted.

(A) Atmospheric Conditions and Occupancies.

(1) Galvanized Steel and Stainless RMC. Galvanized steel and stainless steel RMC shall be permitted under all atmospheric conditions and occupancies. Except in direct contact with earth.

(2) Red Brass RMC. Red brass RMC shall be permitted to be installed for swimming pool applications.

(3) Aluminum RMC. Aluminum RMC shall be permitted to be installed where judged suitable for the environment. Rigid aluminum conduit encased in concrete shall be provided with approved supplementary corrosion protection.

(B) Corrosive Environments.

(1) Galvanized Steel, Stainless Steel, and Red Brass RMC, Elbows, Couplings, and Fittings. Galvanized steel, stainless steel, and red brass RMC elbows, couplings, and fittings shall be permitted to be installed in concrete, or in areas subject to severe corrosive influences where protected by corrosion protection and judged suitable for the condition.

(2) Supplementary Protection of Aluminum RMC. Aluminum RMC shall be provided with approved supplementary corrosion protection where encased in concrete.

Section 15.06.040 Amendment to Article 358.10

Article 358.10 is amended to read as follows:

358.10 Uses Permitted.

(A) **Exposed and Concealed.** The use of EMT shall be permitted for concealed work.

(B) **Corrosion Protection.** Ferrous or nonferrous EMT, elbows, couplings, and fittings shall be permitted to be installed in concrete, where protected by corrosion protection and approved as suitable for the condition.

SECTION 6: Chapter 15.07 of the Newport Beach Municipal Code is deleted in its entirety and amended to read as follows:

Chapter 15.07 MECHANICAL CODE

Sections:

Section 15.07.010 Adoption of California Mechanical Code
Section 15.07.020 Addition of Section 103.2

Section 15.07.010 Adoption of California Mechanical Code

The City Council adopts and incorporates by reference, as though set forth in full in this section, the 2013 Edition of the California Mechanical Code, based on the 2012 Uniform Mechanical Code, by the International Association of Plumbing and Mechanical Officials.

The various parts of this code shall constitute and be known as the Newport Beach Mechanical Code. A copy of the 2013 California Mechanical Code printed in code book form shall be kept on file in the office of the City Clerk. All administrative provisions including enforcement, permit process, fees, and inspections for these chapters are contained in the Administrative Code under Chapter 15.02.

Section 15.07.020 Addition of Section 103.2

Section 103.2 is added to read as follows

Section 103.2 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the Chief Building Official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the Chief Building Official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or

structural requirements. The details of action granting modifications shall be recorded and entered in the files of the Building Division.

SECTION 7. Chapter 15.08 of the Newport Beach Municipal Code is deleted in its entirety and amended to read as follows:

**Chapter 15.08
PLUMBING CODE**

Sections:

15.08.010 Adoption of California Plumbing Code.
15.08.020 Addition of Section 102.6

Section 15.08.010 Adoption of California Plumbing Code.

The City Council adopts and incorporates by reference, as though set forth in full in this section, the 2013 Edition of the California Plumbing Code, including Appendix Chapters A and C, based on the 2012 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials.

The various parts of this code shall constitute and be known as the Newport Beach Plumbing Code. A copy of the 2013 California Plumbing Code, printed in code book form, shall be kept on file in the office of the City Clerk. All administrative provisions including enforcement, permit process, fees, and inspections for these chapters are contained in the Administrative Code under Chapter 15.02.

Section 15.08.020 Addition of Section 102.6

Section 102.6 is added to read as follows

Section 102.6 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the Chief Building Official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the Chief Building Official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the Building Division.

SECTION 8. Chapter 15.09 of the Newport Beach Municipal Code is deleted in its entirety and amended to read as follows:

Chapter 15.09
SWIMMING POOL CODE

Sections:

- 15.09.010 Adoption of the Uniform Swimming Pool, Spa and Hot Tub Code
- 15.09.020 Amendment to Section 102.3
- 15.09.030 Deletion of Section 102.7
- 15.09.040 Deletion of Sections 104.4 through 107.2
- 15.09.050 Addition of Section 301.3
- 15.09.060 Deletion of Sections 310.1 through 310.4
- 15.09.070 Amendment to Section 509.3

Section 15.09.010 Adoption of the Uniform Swimming Pool, Spa and Hot Tub Code

The City Council adopts and incorporates by reference, as though set forth in full in this chapter, the 2012 Edition of the Uniform Swimming Pool, Spa and Hot Tub Code and all national codes and standards referenced therein, as published by the International Association of Plumbing and Mechanical Officials.

The various parts of this code, along with the additions, amendments, and deletions adopted in this chapter, shall constitute and be known as the Newport Beach Swimming Pool Code. A copy of the 2012 Uniform Swimming Pool, Spa and Hot Tub Code, printed in code book form, shall be kept on file in the office of the City Clerk.

Section 15.09.020 Amendment to Section 102.3

Section 102.3 is amended by the addition of a second paragraph to read as follows:

Section 102.3 Maintenance. All swimming pool and spa water shall be maintained in a clear condition, which is free of algae, insects, debris, and in a sanitary condition. The floor of the pools shall be clearly visible.

Section 15.09.030 Deletion of Section 102.7

Section 102.7 is deleted in its entirety.

Section 15.09.040 Deletion of Sections 104.4 through 107.2 with the Replacement of the City of Newport Beach Municipal Code, Chapter 15.02, Administrative Code.

Sections 104.4 through 107.2 are deleted in their entirety and replaced to read as follows:

Section 104.4 Administration. The administration of this code shall be in accordance with the provisions contained in the City of Newport Beach Municipal Code, Chapter 15.02.

Section 15.09.050 Addition of Section 301.3

Section 301.5 is added to read as follows:

Section 301.3 Enclosures. Enclosures shall be in accordance with the provisions contained in the California Building Code, Section 3109 Swimming Pool Enclosures and Safety Devices as adopted in the Newport Beach Municipal Code and amended by Chapter 15.04, Building Code. Enclosures shall not be enforced on a retroactive basis. Existing, permitted barriers required at the time of pool construction shall be maintained; unless the existing enclosure is proposed to be altered, replaced or new with new or reconstructed materials. Existing one- and two-family dwellings or townhouses with additions or alterations to exterior walls used as part of a pool enclosure shall be required to comply with Section 3109.

Section 15.09.060 Deletion of Sections 310.1 through 310.4 with the Replacement of the City of Newport Beach Municipal Code, Chapter 15.10, Excavation and Grading Code.

Section 15.09.070 Amendment to Section 509.3

Section 509.3 is amended by the addition of a third paragraph to read as follows:

Section 509.3

Waste water from any filter, scum filter, scum gutter, overflow, pool emptying line, or similar apparatus shall discharge into an approved type receptor and subsequently into a public sewer. The flood level rim of such receptor shall be at least 6 inches above the Base Flood Elevation (BFE) indicated in the Flood Insurance Rate Map as printed by the Federal Emergency Management Agency's Flood Insurance Rate Map (FIRM) revision date December 3, 2009.

SECTION 9. Chapter 15.10 of the Newport Beach Municipal Code is deleted in its entirety and amended to read as follows:

**Chapter 15.10
EXCAVATION AND GRADING CODE**

Sections:

Section 15.10.030 Amendment to Section 15.10.030 Exempt Work
Section 15.10.040 Amendment to Section 15.10.040 Hazard
Abatement

**Section 15.10.050 Amendment to Section 15.10.050 Definitions
Section 15.10.125 Amendment to Section 15.10.125 Protection of
Adjoining Property**

15.10.020 Administration

This chapter sets forth rules and regulations to control excavation, grading, drainage conditions, erosion control, earthwork construction including fills and embankments, and the use of earth materials as a structural component; and provides for the approval of plans and inspection of grading construction and drainage control. The provisions of this chapter are intended to permit work that complies with the Municipal Separate Storm Sewer System Permit "MS4 Permit" issued by the California Regional Water Quality Control Board, Santa Ana Region, on January 18, 2002 under the National Pollutant Discharge Elimination System (NPDES). The provisions of this chapter and the permit are intended to prevent pollutants, including toxic materials, debris, silt, and other contaminants from entering Newport Bay and the Pacific Ocean.

Section 15.10.030 Amendment to Section 15.10.030

Section 15.10.030 is amended to read as follows:

Section 15.10.030 Exempt Work

- A. No person shall do any grading without first having obtained a grading permit from the Chief Building Official except for the following:
1. An excavation below finish grade for footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation, nor exempt any excavation which is unsupported or unstable after the completion of such structure, nor shall it exempt any condition resulting from the construction of such structure which requires grading or construction of drainage improvements to provide a safe and stable structure which does not create adverse conditions on other properties, either public or private;
 2. Cemetery graves;
 3. Refuse disposal sites covered by other regulations;
 4. Excavations for wells or tunnels or utilities under the jurisdiction of other agencies. This shall not exempt any fill made from such excavations on private property unless preemptive regulations have been established by law;
 5. Mining and quarrying together with necessary stockpiling, processing and other activities where established and provided such operations do not significantly affect the lateral or vertical

- support, or significantly increase the stresses in or pressure upon any adjacent or continuous property;
6. Exploratory excavations under the direction of soils engineers or engineering geologists provided all excavations are properly backfilled.
 7. An excavation which (a) is less than two feet in depth; or (b) does not create a cut slope greater than four feet in height and steeper than two horizontal to one vertical; and (c) is less than fifty (50) cubic yards on one site and does not create an adverse erosion, drainage, groundwater, or slope condition requiring remedial work covered by these regulations;
 8. Unless preempted by other regulations, fill which does not exceed fifty (50) cubic yards on any one site which is not part of a regular maintenance procedure and which:
 - a. Is placed on natural undisturbed terrain with a slope flatter than five horizontal to one vertical, or
 - b. Less than three feet in depth not intended to support structures provided that such fill will not create an adverse slope, erosion, drainage, groundwater or structural condition.
- B. Exceptions listed above shall not be interpreted as exempting future construction on a site from code compliance due to an exempted nonconforming condition nor shall any exception be construed as exempting an adverse condition from being corrected in accordance with the procedures, nor shall it be construed as exempting any requirement for grading as a flood plain management requirement.
- C. No person shall construct, reconstruct, alter, repair or install any structure in any natural drainage channel water course without a grading permit. Road or parking lot paving work shall be performed under permit, unless waived by the Chief Building Official, or when performed as part of maintenance work.
- D. Whenever the Chief Building Official determines that (a) construction of any device or structure has resulted or may result in adverse drainage, groundwater, or slope conditions; or (b) existing drainage conditions have resulted or may result in adverse erosion conditions, he/she may require a drainage permit to be obtained and corrective work accomplished

Section 15.10.040 Amendment to Section 15.10.040

Section 15.10.040 is amended to read as follows:

15.10.040 Hazard Abatement

- A. Whenever the Chief Building Official determines by inspection, from information made available to him/her, that any existing drainage condition, excavation, fill, natural slope or subsurface condition has become a hazard to life and limb, or endangers property or adversely affects the safety, use or stability of a public way or any drainage channel, he/she shall make a determination of the level of hazard and the owner of the property upon which the drainage conditions, excavation, fill, natural slope or subsurface condition is located, or other person or agent in control of said property, upon receipt of notice in writing from the Chief Building Official shall, within the period specified, correct such conditions in accordance with the requirements and conditions set forth in such notice so as to eliminate the hazard and be in conformance of the hazards abatement section of the International Property Maintenance Code, as adopted by the City of Newport Beach.
- B. The Chief Building Official shall require the permittee or contractor, before excavating any trench five (5) feet or more in depth; to submit a detailed plan to the Chief Building Official showing the design of shoring, bracing, sloping or other provisions, (i.e. security fencing, etc.) to be made for worker's protection and public safety from the hazard of caving ground.

Section 15.10.050 Amendment to Section 15.10.050

Section 15.10.050 is amended to read as follows:

Section 15.10.050 Definitions

For the purposes of this chapter, the definitions listed hereunder shall be construed as specified in this section.

"Approval" means a written, civil engineering or geological opinion concerning the satisfactory progress and completion of the work.

"As-graded" means the topographic surface at completion of grading.

"Bedrock" is in place of solid rock.

"Bench" means a relatively level step excavated into earth material on which fill is to be placed.

"Borrow" means earth material acquired from off-site location for use in grading on a site.

"Chief Building Official" is the officer or other designated authority charged with the enforcement of the Building Codes.

"Civil engineer" means a professional engineer in the branch of civil engineering holding a valid certification of registration, issued by the State of California.

"Civil engineering" means the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works or the beneficial uses of mankind.

"Clearing, brushing and grubbing" means the removal of vegetation (grass, brush, trees and similar plant types or root systems) by mechanical means.

"Compaction" means the densification of a fill by mechanical means.

"Drainage Plan" is a plan appended to a proposed building plan, depicting site drainage patterns prior and post development. Contours and/or spot elevations, flow lines, outlet structures, subdrains, etc. must clearly be shown, when a separate grading permit is not required by the Chief Building Official.

"Earth Material" is any rock, natural soil, fill, or any substance that makes up or originates from the Earth and/or any combination thereof.

"Engineering geologist" means a professional geologist registered in the State of California as a geologist and certified by the State of California as a geologist and certified by the State of California to practice engineering geology in the field of civil works.

"Erosion" is the process by which rock and soil are removed from the Earth's surface by natural processes such as wind or water flow, and then transported and deposited in other locations.

"Erosion Control Devices" (Permanent) are devices Best Management Practices (BMPs) to be constructed in residential, industrial, commercial sites and agricultural lands to reduce the discharge of pollutants in runoff. BMPs are often implemented to comply with NPDES permit requirements, as a part of storm water runoff management programs required by the State of California and the County of Orange in conjunction with the Water Quality Management Plan (WQMP) following the Orange County Technical Guidance Document (TGD).

"Erosion Control Devices" (Temporary) devices which are designated to minimize erosion and sediment from storm water and non-storm water runoff from construction sites, natural areas, agricultural lands or urban environment. They are often implemented in conjunction with an Erosion and Sediment Control Plan (ESCP).

"Excavation" means the mechanical or physical removal of earth material.

"Fill" means a deposit of earth material placed by artificial means.

"Finish grade" means the final grade of the site which conforms to the approved plan.

"Grade" means the vertical location of the ground surface.

"Grading" means to bring an existing surface to a designed form by cutting, filling and/or smoothing operations.

"Grading contractor" means a contractor licensed and regulated by the State of California who specializes in grading work or is otherwise licensed to do grading work.

"Key" means designed and compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

"Landslide" means the downward and outward movement of soil, rock or fill or a combination thereof, or the resultant materials from such movement.

"Massive landslide" means a landslide too large to be stabilized by retaining methods or normal control methods.

"Permit" means any permit issued pursuant to this Code, together with the application for the same, the conditions upon which it was issued, together with any plans, specifications, reports and approved modifications pertaining thereto.

"Permittee" means the owner or his authorized agent to whom a grading permit is issued.

"Rough grade" means the stage at which the grade approximately conforms to the approved plan.

"Sediment" means the material derived by erosion carried by an agent of erosion.

"Site" means any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

"Slope" means an inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

"Soil" means naturally occurring surficial deposits overlying bedrock.

"Soil engineer/ Geotechnical engineer" means a civil engineer with training and experience in soil mechanics who specializes in the practice of soils and foundation engineering. A Soil Engineer may use the title Geotechnical Engineer

(GE) if he/she has passed the GE examination. For the purposes of this Code the terms Soil Engineer and Geotechnical Engineer are interchangeable.

"Soil engineering" means the application of the principles of soil mechanics in the investigation, testing, evaluation and design of civil works involving the use of earth materials and the evaluation, inspection and testing of the construction thereof.

"Terrace" means a relatively level step constructed in the face of a grade slope surface for drainage and maintenance purposes.

"Tract" means a subdivision of land containing five or more lots

Section 15.10.125 Adds to Section 15.10.125

Section 15.10.125 is added to read as follows:

15.10.125 Protection of Adjoining Property

Each adjacent owner is entitled to the lateral and subjacent support which his land receives from the adjoining land, subject to the right of the owner of the adjoining land to make proper and usual excavations on the same for purposes of construction or improvement as provided by law. Section 832 of the California Civil.

California Civil Code Section 832

Lateral and subjacent support: excavations; degree of care; damages; protection of structures.

Each coterminous owner is entitled to the lateral and subjacent support which his land receives from the adjoining land, subject to the right of the owner of the adjoining land to make proper and usual excavations on the same for purposes of construction or improvement, under the following conditions:

1. Any owner of land or his lessee intending to make or to permit an excavation shall give reasonable notice to the owner or owners of adjoining lands and of buildings or other structures, stating the depth to which such excavation is intended to be made, and when the excavating will begin.
2. In making any excavation, ordinary care and skill shall be used, and reasonable precautions taken to sustain the adjoining land as such, without regard to any building or other structure which may be thereon, and there shall be no liability for damage done to any such building or other structure by reason of the excavation, except as otherwise provided or allowed by law.

3. If at any time it appears that the excavation is to be of a greater depth than are the walls or foundations of any adjoining building or other structure, and is to be so close as to endanger the building or other structure in any way, then the owner of the building or other structure must be allowed at least 30 days if he so desires, in which to take measures to protect the same from any damage, or in which to extend the foundations thereof, and he must be given for the same purposes reasonable license to enter on the land on which the excavation is to be or is being made.
4. If the excavation is intended to be or is deeper than the standard depth of foundations, which depth is defined to be a depth of nine feet below the adjacent curb level, at the point where the joint property line intersects the curb and if on the land of the coterminous owner there is any building or other structure the wall or foundation of which goes to standard depth or deeper than the owner of the land on which the excavation is being made shall, if given the necessary license to enter on the adjoining land, protect the said adjoining land and any such building or other structure thereon without cost to the owner of such property for any such damage, excepting only for minor settlement cracks in buildings or other structures.

SECTION 10. Chapter 15.11 of the Newport Beach Municipal Code is deleted in its entirety and amended to read as follows:

**Chapter 15.11
GREEN BUILDING STANDARDS CODE**

Sections:

- 15.11.010 Adoption of Voluntary Measures
- 15.11.020 Amendment to Section 301.1.1
- 15.11.030 Amendment to Section A4.506.1

Section 15.11.010 Adoption of Voluntary Measures. The City Council adopts and incorporates the following sections from Appendix A4 and A5 as mandatory requirements: A4.203.1.1; A4.204.1.1; A4.303.1; A4.303.3; A4.506.1; A5.106.2; A5.106.2.1; A5.106.2.2; A5.203.1.1; A5.212.1; A5.303.3(1) and (2).

Section 15.11.020 Amendments to Section 301.1.1

Section 301.1.1 is amended to read as follows

Section 301.1.1 Additions and alterations. The mandatory provisions of Chapter 4 shall be applied to additions or alterations of existing residential buildings where the addition or alteration increases the building's conditioned area, volume, or size. The requirements shall apply only to and/or within the specific area of the addition or alteration.

Note: On and after January 1, 2014, residential buildings undergoing permitted alterations, additions or improvements shall replace noncompliant plumbing fixtures with water-conserving plumbing fixtures meeting the requirements of 4.303. Plumbing fixture replacement is required prior to issuance of a certificate of occupancy or final inspection by the Chief Building Official or designee.

Section 15.11.030 Amendments to Section A4.506.1

Section A4.506.1 is amended to read as follows

Section A4.506.1 Filters. Filters with a higher value than MERV 6 7 are installed on central air or ventilation systems. Pressure drop across the filter shall not exceed 0.1 inch water column.

SECTION 11. Chapter 15.13 of the Newport Beach Municipal Code is deleted in its entirety amended and renamed as follows:

Chapter 15.13 HISTORICAL BUILDING CODE

Sections:

15.13.010 Adoption of the California Historical Building Code.

Section 15.13.010 Adoption of the California Historical Building Code.

The City Council adopts and incorporates by reference, as though set forth in full in this section, the 2013 Edition of the California Historical Building Code and all national codes and standards referenced therein to the prescribed extent of each such reference.

The various parts of these codes and standards shall constitute and be known as the Newport Beach Historical Building Code. A copy of the 2013 California Historical Building Code, printed in code book form, shall be kept on file in the office of the City Clerk.

SECTION 12. Chapter 15.14 of the Newport Beach Municipal Code is deleted in its entirety amended and renamed as follows:

**Chapter 15.14
EXISTING BUILDING CODE**

Section:

15.14.010 Adoption of the California Existing Building Code

Section 15.14.010 Adoption of the California Existing Building Code

The City Council adopts and incorporates by reference, as though set forth in full in this section, the 2013 Edition of the California Existing Building Code and all national codes and standards referenced therein to the prescribed extent of each such reference.

The various parts of these codes and standards shall constitute and be known as the Newport Beach Existing Building Code. A copy of the 2013 California Existing Building Code, printed in code book form, shall be kept on file in the office of the City Clerk.

SECTION 13. Chapter 15.17 is added to the Newport Beach Municipal Code to read as follows:

**Chapter 15.17
ENERGY CODE**

Section:

15.17.010 Adoption of the California Energy Code

Section 15.17.010 Adoption of the California Energy Code

The City Council adopts and incorporates by reference, as though set forth in full in this section, the 2013 Edition of the California Energy Code and all national codes and standards referenced therein to the prescribed extent of each such reference.

The various parts of these codes and standards shall constitute and be known as the Newport Beach Energy Code. A copy of the 2013 California Energy Code, printed in code book form, shall be kept on file in the office of the City Clerk.

SECTION 14. Chapter 15.50 of the Newport Beach Municipal Code is deleted in its entirety, amended and renamed as follows:

**Chapter 15.50
FLOODPLAIN MANAGEMENT**

Sections:

15.50.180 Amendment to 15.50.180

Section 15.50.180 Amendments to Section 15.50.180

Section 15.50.180 is amended to read as follows

Section 15.50.180 Appeals and Variance Procedure

- A. The Building and Fire Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator or his designated representative, in the enforcement or administration of this chapter.

- B. The Building and Fire Board of Appeals shall review and decide requests for variances. In ruling on such applications, the Building and Fire Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
 - 1. The danger that materials may be swept onto other lands to the injury of others;
 - 2. The danger to life and property due to flooding or erosion damage;
 - 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner and future owners of the property;
 - 4. The importance of the services provided by the proposed facility to the community;
 - 5. The necessity to the facility of a waterfront location, where applicable;
 - 6. The availability of alternative locations, for the proposed use, which are not subject to flooding or erosion damage;
 - 7. The compatibility of the proposed use with existing and anticipated development;
 - 8. The relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - 9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - 10. The expected heights, velocity duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - 11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electric, water systems, and streets and bridges.

- C. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing all items in subsection (B) of this section have been fully considered. As lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- D. Upon consideration of the factors of subsection (B) of this section and the purposes of this chapter, the Planning Commission may attach conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
- E. Those aggrieved by the decision of the Building and Fire Board of Appeals, may appeal such decision to the City Council as provided in Title 20 of the Newport Beach Municipal Code.
- F. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance and Mitigation Administration in the biennial report. (Ord. 2002-20 § 8 (part), 2002; Ord. 93-5 § 1 (part), 1993)

SECTION 15. Except as expressly modified herein, all other provisions, terms and sections set forth in Title 15 shall remain unchanged and shall be in full force and effect.

SECTION 16. The recitals provided in this ordinance are true and correct and are incorporated into the substantive portion of this ordinance.

SECTION 17. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 18. The City Council finds the approval of this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(C)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively, the City Council finds the approval of this ordinance is not a project under CEQA Regulation Section 15061(b)(3) because it has no potential for causing a significant effect on the environment.

SECTION 19. The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance. The City Clerk shall cause the same to be published pursuant to City Charter Section 414.

This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 12th day of November, 2013, and was adopted on the 26th day of November, 2013, by the following vote to wit:

AYES, COUNCIL MEMBERS Petros, Hill, Selich
Henn, Mayor Curry, Gardner

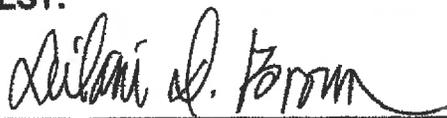
NOES, COUNCIL MEMBERS None

ABSENT COUNCIL MEMBERS Daigle



Keith D. Curry, Mayor

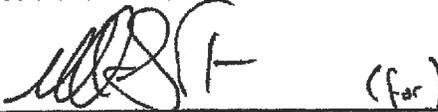
ATTEST:



Leilani I. Brown, City Clerk



**APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE**



Aaron C. Harp, City Attorney

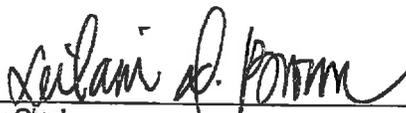
STATE OF CALIFORNIA }
COUNTY OF ORANGE } ss.
CITY OF NEWPORT BEACH }

I, Leilani I. Brown, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; that the foregoing ordinance, being Ordinance No. 2013-24 was duly and regularly introduced on the 12th day of November, 2013, and adopted by the City Council of said City at a regular meeting of said Council, duly and regularly held on the 26th day of November, 2013, and that the same was so passed and adopted by the following vote, to wit:

AYES: Gardner, Petros, Hill, Selich, Henn, Mayor Curry
NAYS: None
ABSENT: Daigle

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 27th day of November, 2013.





City Clerk
City of Newport Beach, California

(Seal)

CERTIFICATE OF PUBLICATION

STATE OF CALIFORNIA }
COUNTY OF ORANGE } ss.
CITY OF NEWPORT BEACH }

I, LEILANI I. BROWN, City Clerk of the City of Newport Beach, California, do hereby certify that Ordinance No. 2013-24 has been duly and regularly published according to law and the order of the City Council of said City and that same was so published in *The Daily Pilot*, a daily newspaper of general circulation on the following dates:

Introduced Ordinance: November 16, 2013
Adopted Ordinance: November 30, 2013

In witness whereof, I have hereunto subscribed my name this _____ day of _____ 2013.

City Clerk
City of Newport Beach, California

(Seal)

BUILDING STANDARDS COMMISSION

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



February 21, 2014

Kevin Kitch
Assistant Chief
City of Newport Beach Fire Department
100 Civic Center Drive
Newport Beach, CA 92660

RE: Ordinance #2013-25

Dear Mr. Kitch:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on January 16, 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



NEWPORT BEACH FIRE DEPARTMENT

100 CIVIC CENTER DRIVE, P. O. BOX 1768, NEWPORT BEACH, CA 92660

SCOTT L. POSTER
Fire Chief

January 14, 2014

VIA CERTIFIED RETURN RECEIPT

Building Standards Commission
2525 Natomas Park Drive
Suite 130
Sacramento, CA 95833-2935

RE: CITY OF NEWPORT BEACH LOCAL AMENDMENT TO THE 2013 CALIFORNIA FIRE CODE

Dear Commission:

Please be advised at the City of Newport Beach's November 12, 2013 City Council meeting, the Newport Beach City Council passed Ordinance 2013-25 which adopted and amended the 2013 California Fire Code. The Ordinance contained the following express findings with regard to the locally adopted amendments.

- a. The City is located in an area subject to a climatic condition of high winds. This environment is conducive to rapidly spreading fires. Control of such fires requires rapid response. Obstacles generated by a strong wind, such as fallen trees, streetlights and utility poles, will greatly impact the response time to reach an incident scene.
- b. Many areas of Newport Beach have significant growths of vegetation of a highly combustible nature. Dry climatic conditions can create the potential for the rapid spread of fire in both vegetation and structures. The addition of fire protection systems will supplement the Fire Department response by providing immediate protection for the building occupants and by containing or controlling the spread of fire. Fire sprinkler systems also provide an efficient use of water for the control and containment of fires and lessen the environmental impact of water runoff from fire suppression activities.
- c. The City, especially the foothill areas, is geographically located in an area periodically subject to hot, dry, wind conditions of high velocity. The topographical conditions of the foothill areas and canyons contained therein can accelerate the periodic high velocity winds by means of a venturi effect.

2014 JAN 15 10 31 AM
CIVIC CENTER DRIVE
NEWPORT BEACH, CA 92660

Accordingly, pursuant to California Government Code Section 51179 and by City ordinance, the City has designated these types of areas as Local Agency Very High Fire Hazard Severity Zones. These zones identify the type of climate, geography, and topography that potentially increase the possibility of uncontrolled fire spread through vegetative fuels threatening life or property.

- d. The City is located in a seismically active area. There are earthquake faults that run along both the northeastern and southwestern boundaries of Orange County. The Newport-Inglewood Fault Zone (NIFZ), which runs through Orange County was the source of the destructive 1933 Long Beach earthquake (6.3 magnitude, hypocenter off Newport Beach coast) that claimed 120 lives and damaged areas from Laguna Beach to Marina del Rey and inland to Whittier. The NIFZ poses one of the greatest hazards to lives and property in the nation. Regional planning for reoccurrence is recommended by the State of California, Department of Conservation. There was also an earthquake in December 1989, with the epicenter located near the City of Irvine. The fault on which this quake occurred was unknown prior to this activity. The City contains hilly areas subject to landslide and coastal areas subject to liquefaction.
- e. The City is located in a seismically active area. The viability of the public water system would be questionable at best after a major seismic event. This would leave structures vulnerable to uncontrolled fires due to a lack of available water and an inability to pump sufficient quantities of available water. A severe seismic event has the potential to negatively impact any rescue or fire suppression activities because it is likely to create obstacles similar to those indicated under the high wind section above.
- f. The City is located in a low to moderate tsunami area. These seismic sea waves have the ability to flood large sections of the low-lying areas. These flood conditions also impact the response and activity level of the Fire Department.
- g. The City contains low-lying coastal areas subject to flooding from sustained rain with tide which hinders drainage to the bay. Certain other areas such as Balboa Island are subject to water surges from drainage through the Back Bay. The southern boundary of the City is along the Pacific Ocean. Winter storms and tropical storms come into the City from the ocean. These storms can create high winds and large ocean waves that can cause flooding in areas of the city.
- h. Along part of the western boundary of the City is the Santa Ana River. This river originates in the San Bernardino Mountains and flows through many communities until it terminates in the ocean at the Huntington Beach/Newport Beach border. The river is contained in a man-made channel. Heavy rainfall and urban runoff has potential to cause flooding in the flood plain due to the river and/or its tributaries. West Newport Beach is subject to flooding from the Santa Ana River.

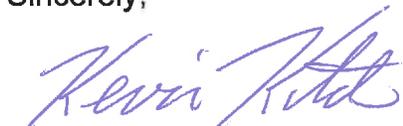
- i. Due to the geographic conditions of widespread development separated by waterways and the street congestion caused by local geography, and the expected infrastructure damage inherent in a seismic hazard zone, it is prudent to rely on automatic fire sprinkler systems to mitigate extended Fire Department response time and keep fires manageable with reduced fire flow (water) requirement for a given structure.

Enclosed, please find the following documents:

- Ordinance 2013-25 passed on November 12, 2013 and adopted on November 26, 2013 by the City of Newport Beach City Council, signed by Mayor Keith D. Curry and certified by the City Clerk.
- A complete set of the adopted amendment.
- Resolution 2013-80 summarizing the local amendment with reference to the express findings made by the City Council, where applicable.

Please contact me at (949) 644-3353, or by email at kkitch@nbfd.net should you have any questions regarding this submittal.

Sincerely,



Kevin Kitch, Assistant Chief
Life Safety Services Division

Enc. Ordinance No. 2013-25
Resolution No. 2013-80

KK:da

cc: Chief Poster, Fire Department (w/o Enc.)

ORDINANCE NO. 2013-25

ORDINANCE OF THE CITY OF NEWPORT BEACH AMENDING TITLE 9 OF THE NEWPORT BEACH MUNICIPAL CODE TO ADOPT THE 2013 CALIFORNIA FIRE CODE (TITLE 24, PART 9 OF THE CALIFORNIA CODE OF REGULATIONS) WITH LOCAL AMENDMENTS AS THE NEWPORT BEACH FIRE CODE

RECITALS

WHEREAS, Health & Safety Code Sections 17922 and 18935, the Building Standards Commission ("BSC") has approved the adoption of new model codes relating to fire and life safety. The BSC has advised local jurisdictions that the State will adopt the 2013 Edition of the California Fire Code ("CFC"); and

WHEREAS, the 2013 CFC is based on the 2012 International Fire Code. The CFC published by the BSC in Title 24, part 9 is mandated to be enforced on January 1, 2014. In order to include our local amendments and enhance life safety and property protection, the City of Newport Beach must complete its adoption process thirty (30) days prior to January 1, 2014. The adoption of the code into the city municipal code, provides for an orderly administration of the codes by city fire and building officials; and

WHEREAS, local jurisdictions may amend the state fire code as necessary to mitigate differences caused by local topographical, geographical, and climatic conditions. In accordance with California Health and Safety Code Section 17958.7, any modifications made via local ordinance must be filed, along with the findings thereto, with the BSC. These local changes will be incorporated into Title 9 of the Newport Beach Municipal Code; and

WHEREAS, to aid in efficiency and clarity, Title 9 will be repealed in its entirety and replaced with each of these modifications to the State code that are correlated with the findings in Resolution No. 2013-81 adopted by the City Council of the City of Newport Beach on November 12, 2013. When approved, the ordinance and accompanying resolution will be forwarded to the BSC in compliance with the above mentioned code sections, and

WHEREAS, the various parts of these codes and standards, along with the additions, amendments and deletions adopted in this section, shall constitute to be known as the Newport Beach Fire Code; and

WHEREAS, all prior references to the former Newport Beach fire code shall be construed to apply to the corresponding provisions of the Newport Beach Fire Code contained herein; and

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1 
CITY CLERK OF THE CITY OF NEWPORT BEACH

DATE: 1-8-14



WHEREAS, the 2013 California Fire Code is similar to the 2010 version; the attached ordinance contains similar provisions as adopted by the City Council in 2010. Staff has taken the opportunity to review existing amendments in detail and some modifications are recommended. One new appendix is recommended to be adopted and will replace existing policy. Several existing amendments are not recommended to be carried forward into the next code cycle as today's codes, terminology, and technology have superseded the previous reasoning for these amendments.

THEREFORE; The City Council of the City of Newport Beach DOES ORDAIN as follows:

SECTION 1. Chapter 9.04 of the Newport Beach Municipal Code is hereby deleted in its entirety and amended to read as follows:

**Chapter 9.04
FIRE CODE**

Sections:

- 9.04.010 Adoption of the 2013 California Fire Code.
- 9.04.020 Amendments to Chapter 1 Scope and Administration.
- 9.04.030 Amendments to Chapter 2 Definitions.
- 9.04.040 Amendments to Chapter 3 General Precautions Against Fire.
- 9.04.050 Amendments to Chapter 5 Fire Service Features.
- 9.04.060 Amendments to Chapter 6 Building Services and Systems.
- 9.04.070 Amendments to Chapter 9 Fire Protection Systems.
- 9.04.080 Amendments to Chapter 36 Marinas.
- 9.04.090 Amendments to Chapter 49 Requirements for Wildland-Urban Interface Fire Areas.
- 9.04.100 Amendments to Chapter 50 Hazardous Materials—General Provisions.
- 9.04.110 Amendments to Chapter 56 Explosives and Fireworks.
- 9.04.120 Amendments to Chapter 57 Flammable and Combustible Liquids.
- 9.04.130 Amendments to Appendix B Fire-Flow Requirements for Buildings.
- 9.04.140 Local Agency Very High Fire Hazard Severity Zone.

9.04.010 Adoption of the 2013 California Fire Code.

There is hereby adopted by the City and incorporated herein by reference into this chapter, those certain codes known as the "California Fire Code 2013 Edition," and the whole thereof including Appendices B, C, E, F, G, I and K therein, errata issued during and after publishing date, save and except such portions as are hereinafter deleted, added or amended which shall collectively be known as the "Newport Beach Fire Code." One certified copy of which is to be on file in the Office of the City Clerk of the City of Newport Beach and open for public inspection.

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CITY CLERK OF THE CITY OF NEWPORT BEACH

DATE: 1-8-14



9.04.020 Amendments to Chapter 1 Scope and Administration.

Section 103.2 Appointment is amended to read as follows:

Section 103.2 Appointment. The fire code official shall be appointed by the chief appointing authority of the jurisdiction.

Section 104.1 General is amended by adding Section 104.1.1 to read as follows:

Section 104.1.1 Scope. The fire code official is authorized and directed to enforce, within the scope of Section 104.1, the provisions of this code over all occupancies and land used within the City.

Section 105.5 Revocation is amended by adding Section 105.5.1 to read as follows:

105.5.1 Permits. A fire permit issued for any construction, operation, activity or process in accordance with this section may be revoked by the fire code official if the construction, operation, activity or process is found to not be in compliance with all applicable codes, laws or regulations and any conditions or limitations prescribed by the fire code official for a specific permit.

Section 107.5 Overcrowding is amended by adding Section 107.5.1 to read as follows:

107.5.1 Occupant count. The supervisor of each place of assembly shall have an effective system to keep count of the number of occupants present in the assembly area.

Section 109.4 Violation penalties is amended by deleting Section 109.4 in its entirety.

Section 111.4 Failure to comply is amended to read as follows:

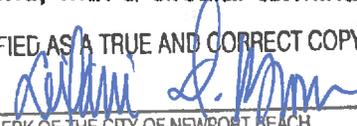
111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine in accordance with the Newport Beach Municipal Code.

9.04.030 Amendments to Chapter 2 Definitions.

Section 202 General Definitions is amended by adding the following definitions to read as follows:

CUL-DE-SAC: A street closed at one end, with a circular terminus at the closed end to allow vehicles to turn around.

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DEFENSIBLE SPACE: Defensible space is an area either natural or man-made, where plant materials and natural fuels have been treated, reduced, or modified to slow the rate and intensity of an advancing wildfire, and to create an area for firefighters to suppress fire and protect structure(s).

DOCK: A structure linked to the shoreline to which a vessel may be secured. A dock may be fixed to the shore or fixed on pilings, or may float in the water.

FUEL MODIFICATION PLAN: An approved plan which identifies specific fuel modification zones within a property are subject to fuel modification. Fuel modification plans show the area and location of all hardscape/softscape improvements and fuel modifications necessary to achieve the minimum acceptable level of risk to structures from fires in combustible vegetation.

FUEL MODIFICATION ZONE: A specific area where vegetation has been removed, planted, or modified in conjunction with an approved fuel modification plan that increases the likelihood that a structure will survive a wildfire, improve the defensible space around the structure for firefighting activities, and prevents direct flame contact with structures. Vegetation includes native and ornamental plants, non-native naturalized annual grasses, and other invasive or naturalized species. Fuel modification activities can include removal, partial or total replacement of existing plants with adequately spaced drought-tolerant and fire-resistant species, and thinning of existing native or ornamental species.

HAZARD REDUCTION ZONE: Any geographical area designated by the Fire Chief in which structures directly abut a wildland space on one or more sides.

LOCAL AGENCY VERY HIGH FIRE HAZARD SEVERITY ZONE: A geographical area designated in accordance with the California Government Code Section 51179, and by City of Newport Beach ordinance, which contains the type and condition of vegetation, topography, climate and structure density which potentially increases the possibility of uncontrolled fire spread through vegetative fuels threatening life or property. For the purposes of this code, Local Agency Very High Fire Hazard Severity Zones shall be considered to be Very High Fire Hazard Severity Zones as defined in Government Code Section 51179.

WILDLAND: An area of unimproved property with vegetative fuels in which development is essentially nonexistent, except for roads, railroads, power lines and similar facilities.

WILDLAND FUELS: Any combustible material in a wildland area.

WILDLAND-URBAN INTERFACE AREA: A geographical area where improved property intersects with wildland or vegetative fuels.

CERTIFIED AS A TRUE AND CORRECT COPY

Selami S. Korman

CITY CLERK OF THE CITY OF NEWPORT BEACH

4

DATE: 1-8-14



9.04.040 Amendments to Chapter 3 General Precautions Against Fire.

Section 305 Ignition Sources is amended by adding Sections 305.5, 305.6, and 305.7 to read as follows:

305.5 Vegetation. Weeds, grass, vines or other growth that is capable of being ignited and endangering property, or is located within 10 feet (3.048 m) of a chimney outlet, shall be cut down and removed by the property owner. Vegetation modification requirements in wildland-urban interface areas shall be in accordance with Chapter 49 of this code.

305.6 Clearance of brush or vegetation growth from roadways. The fire code official is authorized to cause areas within 10 feet (3.048 m) on each side of portions of highways and private streets which are improved, designed or ordinarily used for vehicular traffic to be free of flammable vegetation and other combustible growth.

Exception: Single specimens of trees, ornamental shrubbery or cultivated ground cover such as green grass, ivy, succulents or similar plants used as ground covers, provided that they do not form a means of readily transmitting fire.

305.7 Notification and abatement procedures.

305.7.1 Notice. Uncontrolled or high weeds, brush, plant material, fire hazards, or other items prohibited under this code increase the danger of fire and thus constitutes a fire hazard. If such condition exists, the fire code official shall give notice to the owner of record to abate the hazard within thirty (30) calendar days.

The notice shall state that the property owner is required to abate the fire hazard and that if the hazard is not abated the City may take further action which can include, (1) the City, or its contractor, may enter upon the parcel of land and remove or otherwise eliminate or abate the hazard, (2) that upon completion of such work the cost thereof, including administrative costs, can be billed to the property owner or can become a special assessment against that parcel, and (3) that upon City Council confirmation of the assessment and recordation of that order, a lien may be attached to the parcel to be collected on the next regular property tax bill levied against the parcel.

305.7.2 Commencement of abatement proceedings. Whenever the fire code official determines that a fire hazard exists, and the owner of a property fails to properly abate hazard in locations adjacent to grass or brush covered land which are located in hazardous fire areas, the fire code official is ordered to take appropriate correction actions based upon those findings.

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305.7.3 Service of notice. The fire code official shall notify the property owner of affected properties as shown on the latest equalized tax assessment roll by certified mail, of the specific conditions that constitute a fire hazard and that the City will take action to abate the fire hazard. Notices shall be mailed not less than fifteen (15) calendar days prior to the date of the proposed abatement.

Failure of any property owner, or any party concerned to receive a notice shall not affect the validity of any proceeding taken, if the procedure for service of notice has been followed.

305.7.4 Appeal. The property owner may appeal the decision of the fire code official regarding the fire code official's determination that a fire hazard exists by sending a written appeal to the fire code official within ten (10) calendar days of the mailing of the notice.

305.7.5 Abatement hearing procedure. All hearings under Chapter 3 of the Fire Code shall be held before the fire code official or Fire Chief who shall hear all facts and testimony he/she deems pertinent. The facts and testimony may include testimony on the condition of the property and circumstances related to the fire hazard. The owner of the land may appear in person or present a sworn written statement in time for consideration at the hearing. The fire code official or Fire Chief may impose such conditions and take such other action, as he/she deems appropriate to carry out the purpose of the provisions of this chapter. The decision of the fire code official or Fire Chief shall be final and shall be sent to the property owner via certified mail to the owner's address on the latest equalized tax assessment roll within thirty (30) calendar days.

305.7.6 Private property abatement. If any order of the Fire Chief or the fire code official is made pursuant to this ordinance and is not complied with within the period designated, the City may then cause such work to be done to the extent necessary to eliminate the fire hazard and other substandard fire conditions that are determined to exist.

305.7.7 Emergency private property abatement. When in the opinion of the fire code official a substandard structure or substandard property is an immediate hazard to life and property, and the fire code official makes written findings to the effect that abatement of such a fire hazard requires immediate action, the fire code official may then cause such work to be done to the extent necessary to eliminate the hazard. At least twenty-four (24) hours prior the abatement, the fire code official shall attempt to contact the property owner to inform the property owner of the work to be done and request their assistance or immediate voluntary removal of the hazard. After the work is performed, the fire code official shall post a notice and mail to the property owner information regarding the nature of the work performed. Any individual aggrieved by the action of the fire code official under this section, may appeal the determination of the action to the

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6 *William J. Korman*
CITY CLERK OF THE CITY OF NEWPORT BEACH

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Fire Chief, except that the appeal shall be filed within ten (10) calendar days from the date of mailing the notice of work performed.

305.7.8 Abatement costs. The costs involved in the correction of the substandard conditions and fire hazards shall become a special assessment against the property. In addition to the above costs, an administrative processing fee established by resolution of the Council of the City of Newport Beach, shall be assessed against each parcel for Newport Beach Fire Department and other City incurred costs associated with abatement. An additional inspection fee shall be established by resolution of the Council of the City of Newport Beach for charges related to inspection services for vegetation hazard identification. The schedule for such fees shall be maintained on file in the City Clerk's office.

The fire code official shall notify, in writing, all parties concerned of the amount of such assessment related to work performed in accordance with Government Code Section 3877.3.5. The property owner may appeal the fire code official's assessment by sending a written appeal to the fire code official within fifteen (15) calendar days of the mailing of the notice. Any appeal regarding the reasonableness of the assessment of costs shall be heard by the Fire Chief.

If the total assessment determined as provided for in this section is not paid within thirty (30) calendar days after mailing of such notice or after a decision has been rendered on any appeal, the property owner shall be billed. If unpaid, such charges shall be placed as a special assessment on the tax bill for the property pursuant to the procedures set forth in Section 38773.5 of the Government Code which is incorporated herein by this reference.

305.7.9 Other abatement procedures. The provisions of this ordinance shall not in any manner limit or restrict the City from enforcing City ordinances or abating public nuisances in any other manner provided by law.

Section 307.4.2 Recreation fires is amended by adding Section 307.4.2.1 to read as follows:

307.4.2.1 Beach, camp, and recreational fires. No person shall make, set, or maintain any beach or camp/recreational fire at any beach, park, or other public place within the City except in areas where proper containers are provided for such fires by the City and where City signs are plainly posted indicating such fires are permissible.

Section 319 Geological Surveys is added to read as follows:

SECTION 319 GEOLOGICAL SURVEYS

319.1 General. Development on or near land containing or emitting toxic, combustible or flammable liquids, gases, or vapors.

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319.2 Geological surveys. The fire code official may require the submittal for review and approval of geological studies, evaluations, reports, remedial recommendations and/or similar documentation from a state-licensed and department approved individual or firm, on any parcel of land to be developed which:

1. Has, or is adjacent to, or within 1,000 feet (304.8 m) of a parcel of land that has an active, inactive, or abandoned oil or gas well operation, petroleum or chemical refining facility, petroleum or chemical storage;
2. May contain or give off toxic, combustible or flammable liquids, gases, or vapors; or
3. Modifications to existing systems.

9.04.050 Amendments to Chapter 5 Fire Service Features.

Section 503.2.1 Dimensions is amended to read as follows:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6.1 m) and shall not be less than 26 feet (7.92 m) within 30 feet (9.14 m) of a fire hydrant, except when the road passes through approved security gates in accordance with Section 503.6. Roads shall have an unobstructed vertical clearance of not less than 13 feet 6 inches (4.1 m).

Section 503.2.4 Turning Radius is amended to read as follows:

503.2.4 Turning radius. The turning radius for fire apparatus access roads shall be not less than 20 feet (6.1 m) inside radius and 40 feet (12.2 m) outside radius.

Exception: Cul-de-sacs with center obstructions may require larger turning radii as approved by the fire code official.

Section 503.2.5 Dead ends is amended to read as follows:

503.2.5 Dead ends. Dead end fire apparatus access roads in excess of 200 feet (60.96) in length shall be provided with an approved cul-de-sac for turning around fire apparatus without backing up.

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CITY CLERK OF THE CITY OF NEWPORT BEACH

DATE: 1-8-14
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Section 503.2.7 Grade is amended to read as follows:

503.2.7 Grade. The gradient for a fire apparatus access road shall not exceed ten percent.

Section 503.4 Obstructions of Fire Apparatus Access Roads is amended by adding Section 503.4.2 to read as follows:

503.4.2 Policy. Any traffic calming devices in required access roadways when approved by the fire code official, shall be in accordance with the Newport Beach Public Works Department's Neighborhood Traffic Management Policy.

Section 503.6.1 is added to read as follows:

503.6.1 Vehicle access gates. Vehicle access gates or barriers installed across fire apparatus access roads shall be in accordance with the Newport Beach Fire Department Guidelines and Standards C.01 Emergency Fire Access: Roadways, Fire Lanes, Gates, and Barriers. The minimum width of any gate or opening necessary or required as a point of access shall be not less than 14 feet (4.27 m) unobstructed width. This minimum width may be increased depending on the length of the approach.

Section 505.1 Address identification is amended by adding Section 505.1.1 to read as follows:

505.1.1 Premises Identification. All multi-unit residential and commercial buildings shall have numbers or addresses placed above or immediately adjacent to all doors that allow fire department access. In no case shall the numbers be less than four inches (102 mm) in height with a one-half inch (51 mm) stroke.

Section 510.4 Technical Requirements is amended to read as follows:

510.4 Technical Requirements. Systems, components, and equipment required to provide emergency responder radio coverage system shall comply with Section 510.4.1 through 510.4.2.5 and the Newport Beach Fire Department Guidelines and Standards D.05 Public Safety Radio System Coverage.

Section 511 Building Information is added to read as follows:

SECTION 511 BUILDING INFORMATION

511.1 Building information. The fire code official is authorized to require a cabinet for onsite storage of pre-plans and other building information that is accessible to the fire code official.

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CITY CLERK OF THE CITY OF NEWPORT BEACH

DATE: 1-8-14



9.04.060 Amendments to Chapter 6 Building Services and Systems.

Section 604 is amended by adding Section 604.2.15.2.2 to read as follows:

604.2.15.2.2 Emergency power outlets. Provide and install electrical outlets (120 volt, duplex) that are connected to the emergency generator circuitry/system when a generator is required by Section 604.2 of the California Fire Code in every fire control room and in other areas as may be designated by the fire code office.

9.04.070 Amendments to Chapter 9 Fire Protection Systems.

Section 903.2 Where required is amended to read as follows:

903.2 Where required. Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the following locations: "Building Area" as used in this section shall mean the area included within surrounding exterior walls (or exterior and fire walls) exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.

1. **New buildings:** Notwithstanding any applicable provisions of Sections 903.2.1 through 903.2.11, an automatic fire-extinguishing system shall also be installed in all occupancies when the total building area exceeds 5,000 square feet (465 m²), regardless of fire areas or allowable area.
2. **Existing buildings:** Notwithstanding any applicable provisions of this code, an automatic sprinkler system shall be provided in an existing building when an addition occurs and when the following condition exists:
 - a. An addition, where the increase in building size is 50% or more of the existing building area and the resulting building area exceeds 5,000 square feet (465 m²).

Section 903.2.8 Group R is amended to read as follows:

Section 903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area as follows:

1. **New buildings:** An automatic sprinkler system shall be installed throughout all new buildings.
2. **Existing buildings:** An automatic sprinkler system shall be installed throughout when one of the following conditions exists:

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- a. An addition, where the increase in building size is 2,000 sq. ft. or more and exceeds 50% of the area of the existing structure.
- b. An addition, when the existing building is already provided with an automatic sprinkler system.

Section 903.3.1.2 NFPA 13R Fire Sprinkler Systems is amended by adding Section 903.3.1.2.2 to read as follows:

903.3.1.2.2 Alarms. Local waterflow alarms shall be provided on all 13 and 13R sprinkler systems and shall be connected to the building fire alarm or water-flow monitoring system where provided.

Section 903.3.1 Standards is amended by adding Section 903.3.1.4 to read as follows:

903.3.1.4 System design. NFPA 13 and 13R sprinkler systems design shall be in accordance with Newport Beach Fire Department Guidelines and Standards F.02 Fire Sprinkler System Design Pressure.

Section 907.1 General is amended by adding Section 907.1.6 to read as follows:

907.1.6 System design. No building shall have more than one fire alarm panel. All fire detection and protection devices shall operate and be connected to the building fire alarm panel.

Smoke detectors connected to the alarm system shall have a visible indicator that displays the status of the detector. When a detector is located in a space above a drop ceiling, an indicating light shall be provided and plainly visible.

Exception: Smoke detectors installed with an addressable alarm system capable of showing the approximate location of all activating devices.

Section 907.3 is amended by deleting Section 907.3.1 Exception 1:

Section 907.3.1 Duct smoke detectors Exception 1 is deleted in its entirety.

Section 912 Fire Department Connections is amended by adding Section 912.1.1, amending 912.2 and Section 912.2.1 to read as follows:

912.1.1 Installation. The size of piping and the number of inlets shall be approved by the fire code official. All fire department connections shall be listed assemblies. Fire department inlet connections shall be painted OSHA safety red unless otherwise approved by the fire code official. When the fire flow demand of a sprinkler system is 500 gpm or greater, including the interior hose stream demand if a standpipe system is installed, four 2½" inlets shall be provided.

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912.2 Location. With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus. The location of the fire department connection shall be approved, and be no more than 100 feet (30.48 m) from a public hydrant. When possible, the fire department connection shall be located 30 feet (9.14 m) minimum from beginning of radius for driveway approach.

912.2.1 Visible Location. Fire department connections shall be located on the address side of the building, fully visible and recognizable from the street or nearest point of fire department vehicle access or as otherwise approved by the Fire Chief.

9.04.080 Amendments to Chapter 36 Marinas.

Section 3602.1 Definitions. The following term is defined in Chapter 2:

DOCK.

Section 3603.6 Berthing and storage is amended and Sections 3603.6.1 and 3603.6.2 are added to read as follows:

3603.6 Berthing and storage. Berthing and storage shall be in accordance with Chapter 7 of NFPA 303 and this section.

3603.6.1 Multiple berthing and vessel rafting. All vessels in marinas shall be arranged such that a vessel occupying a slip can be readily removed in an emergency without the necessity of moving other vessels.

Exceptions:

1. Tenders or dinghies may be tied to a vessel's stern without the need of an action plan providing the length of the tender or dinghy does not exceed the width of the vessel's beam.
2. Vessels with beams of less than 14 feet are permitted to have a tender or dinghy, up to a maximum of 14 feet in length, tied to the vessel's stern.

3603.6.2 Permitted multiple berthing. A permit may be issued for multiple berthing under the following conditions:

1. Multiple berthing occurs between the hours of 0700 to 1800. An action plan must be developed by the applicant indicating:
 - a. How the vessels will be moved in the event of a fire.

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- b. The person is responsible for moving the vessels.
 - c. Where the vessels will be relocated to after 1800 hours.
 - d. How employee training and emergency communications are being provided.
2. The multiple berthing is necessary for a special event or other extenuating circumstances and will occur for a limited period of time, which shall be approved by the fire code official and per Newport Beach Fire Department Guidelines and Standards A.10 Multiple Berthing and/or Rafting at Special Events.

Section 3604.1 General is amended to read as follows:

3604.1 General. Piers, marinas, wharves, docks, and floats serving boatyards, hotels, yacht clubs, boat condominiums, docking facilities associated with residential condominiums and multiple family residences with facilities for mooring or servicing vessels, and marine motor vehicle fuel dispensing stations shall be equipped with fire protection equipment in accordance with Sections 3604.2 through 3604.6.

Section 3604.2 Standpipes is amended to read as follows:

3604.2 Standpipes. When any portion of a pier, marina, wharf, dock, or float is more than 150 feet from a fire apparatus access road, it shall be equipped with a Class III standpipe system installed in accordance with NFPA 303 and Newport Beach Fire Department Guidelines and Standards F.01. Fire Protection for Marinas, Wharfs, and Piers.

9.04.090 Amendments to Chapter 49 Requirements for Wildland-Urban Interface Fire Areas.

Chapter 49 has been deleted and amended to read as follows:

SECTION 4901 REDUCTION OF BRUSH FROM STRUCTURES

4901.1 Scope. Each person or entity who owns, leases, controls, operates, or maintains any parcel of land within a designated Hazard Reduction Zone or Local Agency Very High Fire Hazard Severity Zone shall comply with the requirements of this Chapter to mitigate the conditions where vegetative fuels may readily transmit fire to buildings and threaten to destroy life, overwhelm fire suppression capabilities, or result in large property losses.

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4901.2 Purpose. The purpose of this code is to provide minimum vegetative maintenance standards to reduce the severity of exterior wildlife exposure to buildings, and to decrease the exposure from a building fire to the wildland-urban interface area.

4901.3 General. Persons owning, leasing, controlling, operating, or maintaining buildings or structures requiring defensible spaces shall be responsible for modifying or removing non-fire resistive vegetation.

These regulations apply to all Hazard Reduction Zones and Local Agency Very High Fire Hazard Severity Zones located within the City of Newport Beach.

SECTION 4902 DEFINITIONS

4902.1 Definitions. The following terms are defined in Chapter 2:

- DEFENSIBLE SPACE.**
- FUEL MODIFICATION PLAN.**
- FUEL MODIFICATION ZONE.**
- HAZARD REDUCTION ZONE.**
- LOCAL AGENCY VERY HIGH FIRE HAZARD SEVERITY ZONE.**
- WILDLAND.**
- WILDLAND FUELS.**
- WILDLAND-URBAN INTERFACE AREA.**

SECTION 4903 MAINTENANCE OF FUEL MODIFICATION ZONES, HAZARD REDUCTION ZONES, AND LOCAL AGENCY VERY HIGH FIRE HAZARD SEVERITY ZONES

4903.1 Compliance. Fuel Modification Zones, Hazard Reduction Zones, and Local Agency Very High Fire Hazard Severity Zones not in compliance with the respective guidelines shall constitute a fire hazard.

4903.2 Fuel Modification Zone. All elements of the fuel modification zone shall be maintained in accordance with the approved plan and the City of Newport Beach Fire Department Guidelines and Standards G.02 "Fuel Modification Plans and Maintenance Standard."

4903.3 Hazard Reduction Zone. All elements of the Hazard Reduction Zone shall be maintained in accordance with the City of Newport Beach Fire Department Guidelines and Standards G.01 "Hazard Reduction Zones."

SECTION 4904 CONSTRUCTION REQUIREMENTS WITHIN HAZARD REDUCTION ZONES AND LOCAL AGENCY VERY HIGH FIRE HAZARD SEVERITY ZONES

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4904.1 General. In addition to the regulations found in Chapter 7A of the California Building Code and other relevant sections of the California Building Code, all new construction and existing structures that are increased in size by 2,000 square feet or more and exceed 50% of the area of the existing structure located on parcels of land within the City of Newport Beach Hazard Reduction Zone and Local Agency Very High Fire Hazard Severity Zones shall be built in accordance with the regulations found in Section 4904 and 4905 of this code.

4904.2 Authority. The Fire Chief shall have the authority to designate all Hazard Reduction Zones, and the City Council shall adopt, by ordinance, the Local Agency Very High Fire Hazard Severity Zone pursuant to Government Code Section 51179(a).

4904.3 Fuel Modification Requirements for New Construction. All new structures located on parcels of land which are designated Hazard Reduction Zones or Local Agency Very High Fire Hazard Severity Zones shall comply with this section.

4904.3.1 Fuel Modification Requirements for Additions to Existing Structures. All additions to structures that are 2,000 square feet or more and exceed 50% of the area of the existing structure located on parcels of land which are designated Hazard Reduction Zones or Local Agency Very High Fire Hazard Severity Zones shall comply with this section.

4904.3.2 Plans. Fuel modification plans shall be submitted to and approved by the fire code official prior to the issuance of a building permit. The plans shall be developed using the criteria set forth in the Newport Beach Fire Department Guidelines and Standards G.02 "Fuel Modification Plans and Maintenance Standard."

4904.3.3 Alterations. The fuel modification plan may be altered if conditions change. Any alterations to the fuel modification plan shall be approved by the fire code official.

4904.3.4 Issuance of grading or building permits. No grading permit or building permit shall be issued for new and qualifying additions to existing structures prior to approval by the Fire Department of the submitted fuel modification plan as required by this section.

4904.3.5 Street widths. The minimum width of private and public streets shall not be less than 28 feet (8.53 m). Private streets and driveways serving no more than three dwellings and not exceeding 150 feet (45.72 m) in length shall not be less than 24 feet (7.32 m) in width.

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SECTION 4905 BUILDING CONSTRUCTION FEATURES

4905.1 Proximity to property lines. New structures built to the requirements of Section 7A of the California Building Code shall not be less than three feet (.915 m) from an adjacent property line. Areas shall be maintained free of obstructions at all times.

Exception: Refuse cans for residential use..

4905.2 Combustible construction prohibited. No attached or detached buildings, patio covers, sheds, decks, stairs, or similar structures shall be built or placed in the 20 foot Zone A setback, as described in the City of Newport Beach Fire Department Guidelines and Standards G.02 "Fuel Modification Plans and Maintenance Standard" unless completely constructed of non-combustible materials.

SECTION 4906 HAZARD REDUCTION ZONE/LOCAL AGENCY VERY HIGH FIRE HAZARD SEVERITY ZONE MAP

4906.1 Map. The Fire Chief shall cause an official map of the Hazard Reduction Zones to be prepared. The City Council shall adopt by ordinance a map of the Local Agency Very High Fire Hazard Severity Zones. These maps shall be reviewed, updated or amended as deemed necessary.

SECTION 4907 USE OF EQUIPMENT IN LOCAL AGENCY VERY HIGH FIRE HAZARD SEVERITY ZONES AND HAZARD REDUCTION ZONES

4907.1 Equipment prohibited without a spark arrestor. Except as otherwise provided in this section, no person shall use, operate, or cause to be operated, in, upon or adjoining Local Agency Very High Fire Hazard Severity Zones, any internal combustion engine which uses hydrocarbon fuel, unless the engine is equipped with a spark arrestor as defined in Section 4908.3 of the Fire Code and maintained in effective working order, or the engine is constructed, equipped and maintained for the prevention of fire pursuant to Section 4908.4 of the Fire Code.

4907.2 Spark arrestor installation. Spark arrestors affixed to the exhaust system of engines or vehicles subject to this section shall not be placed or mounted in such a manner as to allow flames or heat from the exhaust system to ignite any flammable material.

4907.3 Spark arrestor design. A spark arrestor is a device constructed of nonflammable material specifically for the purpose of removing and retaining carbon and other flammable particles over 0.0232 of an inch (0.58 mm) in size from the exhaust flow of an internal combustion engine that uses hydrocarbon fuels or which is qualified and rated by the United States Forest Service.

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4907.4 Spark arrestor exemption for vehicles. Engines used to provide motor power for trucks, truck tractors, buses, and passenger vehicles, except motorcycles, are not subject to this section if the exhaust system is equipped with a muffler as defined in the Vehicle Code of the State of California.

Turbocharged engines are not subject to this section if all exhausted gases pass through the rotating turbine wheel, there is no exhaust bypass to the atmosphere and the turbocharger is in effective mechanical condition.

SECTION 4908 RESTRICTED ENTRY TO LOCAL AGENCY VERY HIGH FIRE HAZARDOUS SEVERITY ZONES

4908.1 General. The Fire Chief shall determine and publicly announce when Local Agency Very High Fire Hazard Severity Zones shall be closed to entry and when such areas shall again be opened to entry. Entry on and occupation of Local Agency Very High Fire Hazard Severity Zones, except public roadways, inhabited areas or established trails and camp sites which have not been closed during such time when the Local Agency Very High Fire Hazard Severity Zone is closed to entry, is prohibited.

Exceptions:

1. Residents and owners of private property within Local Agency Very High Fire Hazard Severity Zones and their invitees and guests going to or being upon their lands.
2. Entry in the course of duty by peace or police officers, other duly authorized public officers, and members of a fire department.

SECTION 4909 OPEN FLAME DEVICES IN LOCAL AGENCY VERY HIGH FIRE HAZARD SEVERITY ZONES AND HAZARD REDUCTION ZONES

4909.1 General. Welding torches, tar pots, decorative torches and other devices, machines or processes liable to start or cause fire shall not be operated or used in or upon Local Agency Very High Fire Hazard Severity Zones, except by permit from the fire code official.

Exception: Use within habited premises which are a minimum of 30 feet (914 m) from grass or brush covered areas.

Flame-employing devices, such as lanterns or kerosene road flares, shall not be operated or used as a signal or marker in or upon a Local Agency Very High Fire Hazard Severity Zone.

Exception: The proper use of a fuse at the scene of emergencies.

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SECTION 4910 OUTDOOR FIRES IN LOCAL AGENCY VERY HIGH FIRE HAZARD SEVERITY ZONES AND HAZARD REDUCTION ZONES

4910.1 General. Outdoor fires shall not be built, ignited or maintained in or upon Local Agency Very High Fire Hazard Severity Zones and hazard reduction zones, except by permit from the fire code official.

Exception: Fires located within the property boundary of inhabited premise or designated campsites where such fires are built in a permanent barbeque, portable barbeque, outdoor fireplace, incinerator or grill and are a minimum of 30 feet (9.14 m) from grass or brush covered areas.

Permits shall incorporate such terms and conditions which will reasonably safeguard public safety and property. Outdoor fires shall not be built, ignited or maintained in or upon Local Agency Very High Fire Hazard Severity Zones or in hazard reduction zones under the following conditions:

1. When surface wind speeds are sustained at 20 MPH or wind gusts exceed 25 MPH.
2. When a person age 18 or over is not present at all times to watch and tend such fire.
3. When public announcement is made that open burning is prohibited.

4910.2 Prohibited Uses. Permanent barbeques, portable barbeques, outdoor fireplaces or grills shall not be used for the disposal of rubbish, trash, or combustible waste material.

SECTION 4911 RECREATIONAL FIRES IN LOCAL AGENCY VERY HIGH FIRE HAZARD SEVERITY ZONES

4911.1 General. Recreational fires built, installed, or maintained in Local Agency Very High Fire Hazard Severity Zones or hazard reduction zones shall only use natural gas or propane fuel. Combustible solid fuels are prohibited regardless if a spark arrestor is utilized.

Outdoor fireplaces, permanent barbeques, and grills shall be maintained in good repair and in a safe condition at all times. Openings in such appliances shall be provided with an approved spark arrestor, screen, lid, or door.

9.04.100 Amendments to Chapter 50 Hazardous Materials—General Provisions.

Section 5003.12 Outdoor Control Areas is amended by adding item No. 5 to read as follows:

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5. Outdoor control areas shall be protected against tampering or trespassers by fencing or other control measures as approved by the fire code official.

Section 5004.1 Scope is amended by adding Section 5004.1.1 to read as follows:

5004.1.1 Maximum quantity on site. No person shall use or store any amount of Extremely Hazardous Substances (EHS) equal to or greater than the disclosable amounts as listed in Appendix A, Part 355, Title 40, of the Code of Federal Regulations in a residential zone or adjacent to property developed with residential uses, unless approved mitigation measures are implemented and maintained, as required by the fire code official.

9.04.110 Amendments to Chapter 56 Explosives and Fireworks.

Section 5601.1 Scope is amended and Sections 5610 and 5611 are added to read as follows:

5601.1 Scope. Manufacture, possession, storage, sale, transportation and use of explosive materials shall be in accordance with Chapter 56. For explosives requirements, see Title 19 California Code of Regulations, Chapter 10. For Fireworks requirements, see Title 19 California Code of Regulations, Chapter 6.

SECTION 5610 FIREWORKS

5610.1 Fireworks 1.4G and fireworks 1.3G. No person shall store, use, sell, possess, or handle fireworks 1.4G, (commonly referred to as "Safe and Sane") and fireworks 1.3G anywhere in the City of Newport Beach.

Exception: Fireworks 1.4G and fireworks 1.3G may be part of an electronically fired public display when permitted and conducted by a licensed pyrotechnic operator.

5610.2 Seizure of fireworks. The fire code official and his/her agent shall have the authority to seize, take, and remove any fireworks stored, sold, offered for sale, used or handled in violation of the provisions of this code. Any seizure or removal pursuant to this section shall be in compliance with all applicable statutory, constitutional, and decisional law.

SECTION 5611 STORAGE OF EXPLOSIVES AND BLASTING AGENTS

5611.1 Storage of explosives and blasting agents. No person shall store explosives or blasting agents anywhere in the City of Newport Beach unless the fire code official has issued a permit authorizing use and/or storage.

9.04.120 Amendments to Chapter 57 Flammable and Combustible Liquids

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Section 5704.2.11.2 is amended by adding No. 4 to read as follows:

4. The underground storage of flammable liquids shall be prohibited in any residential district or any residential area of a planned community district, as defined in Chapter 20.05 of the Newport Beach Municipal Code.

Section 5706.4 Bulk plants or terminals is amended to read as follows:

5706.4 Bulk plants or terminals. Portions of properties where flammable and combustible liquids are received by tank vessels, pipelines, tank cars or tank vehicles and are stored or blended in bulk for the purpose of distributing such liquids by tank vessels, pipelines, tank cars, tank vehicles or containers are prohibited within the boundaries of the City of Newport Beach except as permitted by the fire code official. Approved installations shall comply with Sections 5706.4.1 through 5706.4.10.4.

9.04.130 Amendments to Appendix B Fire-Flow Requirements for Buildings.

Section B105.2 Buildings other than one-and two-family dwellings is amended to read as follows:

B105.2 Buildings Other Than One-and Two- Family Dwellings. The minimum fire flow and flow duration for buildings other than one-and two-family dwellings shall be as specified in Table B105.1.

Exception: A reduction in required fire flow of up to 50 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1. The resulting fire flow shall not be less than 1,500 gallons per minute (5677.5 L/min.) for the prescribed duration as specified in Table B105.1.

9.04.140 Local Agency Very High Fire Hazard Severity Zone

The City of Newport Beach designates those areas identified in green on the map attached to the ordinance codified in this section and on file with the City Clerk as the Local Agency Very High Fire Hazard Severity Zone for the City in accordance with Section 51179 of the California Government Code.

SECTION 2. The recitals provided in this ordinance are true and correct and are incorporated into the substantive portion of this ordinance.

SECTION 3. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section,

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CITY CLERK OF THE CITY OF NEWPORT BEACH

DATE: 1-8-14



subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 4. The City Council finds the approval of this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(C)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively, the City Council finds the approval of this ordinance is not a project under CEQA Regulation Section 15061(b)(3) because it has no potential for causing a significant effect on the environment.

SECTION 5. The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance. The City Clerk shall cause the same to be published pursuant to City Charter Section 414.

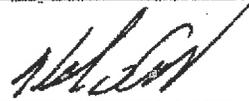
This Ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 12th day of November, 2013, and was adopted on the 26th day of November, 2013, by the following vote to wit:

AYES, COUNCIL MEMBERS Patros, Hill, Selich

Henn, Mayor Curry , Gardner

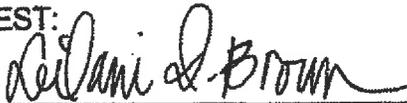
NOES, COUNCIL MEMBERS None

ABSENT COUNCIL MEMBERS Daigle



Keith D. Curry, Mayor

ATTEST:



Leilani I. Brown, City Clerk

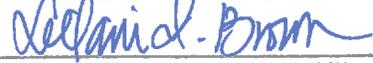
APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp, City Attorney



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CITY CLERK OF THE CITY OF NEWPORT BEACH

DATE: 1-8-14



STATE OF CALIFORNIA }
COUNTY OF ORANGE } ss.
CITY OF NEWPORT BEACH }

I, Leilani I. Brown, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; that the foregoing ordinance, being Ordinance No. 2013-25 was duly and regularly introduced on the 12th day of November, 2013, and adopted by the City Council of said City at a regular meeting of said Council, duly and regularly held on the 26th day of November, 2013, and that the same was so passed and adopted by the following vote, to wit:

AYES: Gardner, Petros, Hill, Selich, Henn, Mayor Curry
NAYS: None
ABSENT: Daigle

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 27th day of November, 2013.



Leilani I. Brown

City Clerk
City of Newport Beach, California

(Seal)

CERTIFICATE OF PUBLICATION

STATE OF CALIFORNIA }
COUNTY OF ORANGE } ss.
CITY OF NEWPORT BEACH }

I, LEILANI I. BROWN, City Clerk of the City of Newport Beach, California, do hereby certify that Ordinance No. 2013-25 has been duly and regularly published according to law and the order of the City Council of said City and that same was so published in *The Daily Pilot*, a daily newspaper of general circulation on the following dates:

Introduced Ordinance: November 16, 2013
Adopted Ordinance: November 30, 2013

In witness whereof, I have hereunto subscribed my name this 10th day of December, 2013.

Leilani I. Brown

City Clerk
City of Newport Beach, California

(Seal)

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Leilani I. Brown
CITY CLERK OF THE CITY OF NEWPORT BEACH

DATE: 1-8-14



RESOLUTION NO. 2013-80

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, SETTING FORTH FINDINGS BASED ON LOCAL CONDITIONS WITHIN THE CITY OF NEWPORT BEACH WHICH MAKE CERTAIN MODIFICATIONS AND CHANGES TO THE CALIFORNIA FIRE CODE AS REASONABLY NECESSARY.

WHEREAS, Health and Safety Code Section 17958 mandates that the City of Newport Beach ("City") adopt ordinances and regulations imposing the same or modified or changed requirements as are contained in the regulations adopted by the State pursuant to Health and Safety Code Section 17922; and

WHEREAS, the State of California is mandated by Health and Safety Code Section 17922 to impose the same requirements as are contained in the 2013 California Fire Code based on the 2012 International Fire Code of the International Code Council; and

WHEREAS, Health and Safety Code Section 17958.5(a) permits the City to make modifications or changes to the Codes, which are reasonably necessary because of local climatic, geographic, or topographic conditions; and

WHEREAS, Health and Safety Code Section 17958.7 requires that the City Council, before making any modifications or changes pursuant to Section 17958.5, make express findings that such changes or modifications are needed due to local climatic, geographic, or topographic conditions; and

WHEREAS, the Fire Chief has recommended that changes and modifications be made to the Codes and has advised that these changes and modifications to the model codes are reasonably necessary due to local conditions in the City of Newport Beach and has further advised that the remainder of said changes and modifications are administrative or procedural in nature.

NOW THEREFORE, the City Council of the City Of Newport Beach does hereby **RESOLVE** as follows:

SECTION 1: The following changes and modifications to the 2013 Edition of the California Fire Code as recommended by the Fire Chief are hereby found to be necessary due to local climatic, geographic, or topographic conditions:



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[Signature]
CITY CLERK OF THE CITY OF NEWPORT BEACH

DATE: 1-14-14

SECTION	JUSTIFICATION/EXPRESS FINDINGS
202 (Definitions)	a, b, c, d, e, f, g, h, i
305 (Ignition Sources)	a, b, c, i
307.4.2.1 (Recreational Beach Fires)	a, b, c, i
319 (Geological Surveys)	d, e, f, g, h
503.2.1 (Dimensions)	a, b, c, d, e, f, g, h
503.2.4 (Turning Radius)	a, b, c, d, e, f, g, h
503.2.5 (Dead Ends)	a, b, c, d, e, f, g, h
503.2.7 (Grade)	a, b, c, d, e, f, g, h
503.4.2 (Fire Apparatus Access Roads)	a, b, c, d, e, f, g, h
503.6.1 (Vehicle Access Gates)	a, b, c, d, e, f, g, h
505.1.1 (Premises Identification)	a, b, c, d, e, f, g, h
510.4 (Technical Requirements)	a, b, c, d, e, f, g, h
511.1 (Building Information)	a, b, c, d, f, h
604.2.15.2.2 (Emergency Power Outlets)	d, e, f
903.2 (Where Required)	a, b, c, d, e, f, g, h, i
903.2.8 (Group R)	a, b, c, d, e, f, g, h, i
903.3.1.2.2 (Alarms)	a, b, c, d, e, f, g, h, i
903.3.1.4 (System Design)	a, b, c, d, e, f, g, h, i
907.1.6 (System Design)	a, b, c, d, e, f, g, h, i
907.3.1 (Duct Smoke Detectors)	a, b, c, d, e, f, g, h, i
912.1.1 (Installation)	a, b, c, d, e, f, g, h, i
912.2 (Location)	a, b, c, d, e, f, g, h, i
912.2.1 (Visible Location)	a, b, c, d, e, f, g, h, i
3603.6 (Berthing and Storage)	e, f, g, h
3603.6.1 (Multiple Berthing)	e, f, g, h
3603.6.2 (Permitted Multiple Berthing)	e, f, g, h
3604.1 (General, Piers, Marinas)	e, f, g, h
3604.2 (Standpipes)	e, f, g, h



SECTION	JUSTIFICATION/EXPRESS FINDINGS
4901 (Reduction of Brush)	a, b, c, e, i
4902 (Definitions)	a, b, c, e, i
4903 (Maintenance of Fuel)	a, b, c, e, i
4904 (Construction Requirements)	a, b, c, e, i
4905 (Building Construction Features)	a, b, c, e, i
4906 (Hazard Reduction Zone)	a, b, c, e, i
4907 (Use of Equipment in Local Agency)	a, b, c, e, i
4908 (Restricted Entry to VHFHSZ)	a, b, c, e, i
4909 (Open Flame Devices)	a, b, c, e, i
4910 (Outdoor Fires in Local Agency)	a, b, c, e, i
4911 (Recreational Fires in Local Agency)	a, b, c, e, i
5003.12 (Outdoor Control Areas)	a, b, c, d, e, f, g, h
5004.1.1 (Maximum Quantity On Site)	a, b, c, d, e, f, g, h
5601.1 (Explosives and Fireworks)	a, b, c, i
5610 (Fireworks)	a, b, c, i
5611.1 (Storage of Explosives)	a, b, c, i
5704.2.11.2 (Flammable & Combustible)	a, b, c, i
5706.4 (Bulk Plants or Terminals)	a, b, c, i
B105.2 (Fire-Flow Requirements)	a, b, c, d, e, f, g, h, i

SECTION 2: Findings:

- a. The City is located in an area subject to a climatic condition of high winds. This environment is conducive to rapidly spreading fires. Control of such fires requires rapid response. Obstacles generated by a strong wind, such as fallen trees, streetlights and utility poles, will greatly impact the response time to reach an incident scene.
- b. Many areas of Newport Beach have significant growths of vegetation of a highly combustible nature. Dry climatic conditions can create the potential for the rapid spread of fire in both vegetation and structures. The addition of fire protection systems will supplement the Fire Department response by providing immediate protection for the building occupants and by containing or controlling the spread of

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fire. Fire sprinkler systems also provide an efficient use of water for the control and containment of fires and lessen the environmental impact of water runoff from fire suppression activities.

- c. The City, especially the foothill areas, is geographically located in an area periodically subject to hot, dry, wind conditions of high velocity. The topographical conditions of the foothill areas and canyons contained therein can accelerate the periodic high velocity winds by means of a venturi effect. Accordingly, pursuant to California Government Code Section 51179 and by City ordinance, the City has designated these types of areas as Local Agency Very High Fire Hazard Severity Zones. These zones identify the type of climate, geography, and topography that potentially increase the possibility of uncontrolled fire spread through vegetative fuels threatening life or property.
- d. The City is located in a seismically active area. There are earthquake faults that run along both the northeastern and southwestern boundaries of Orange County. The Newport-Inglewood Fault Zone (NIFZ), which runs through Orange County was the source of the destructive 1933 Long Beach earthquake (6.3 magnitude, hypocenter off Newport Beach coast) that claimed 120 lives and damaged areas from Laguna Beach to Marina del Rey and inland to Whittier. The NIFZ poses one of the greatest hazards to lives and property in the nation. Regional planning for reoccurrence is recommended by the State of California, Department of Conservation. There was also an earthquake in December 1989, with the epicenter located near the City of Irvine. The fault on which this quake occurred was unknown prior to this activity. The City contains hilly areas subject to landslide and coastal areas subject to liquefaction.
- e. The City is located in a seismically active area. The viability of the public water system would be questionable at best after a major seismic event. This would leave structures vulnerable to uncontrolled fires due to a lack of available water and an inability to pump sufficient quantities of available water. A severe seismic event has the potential to negatively impact any rescue or fire suppression activities because it is likely to create obstacles similar to those indicated under the high wind section above.
- f. The City is located in a low to moderate tsunami area. These seismic sea waves have the ability to flood large sections of the low-lying areas. These flood conditions also impact the response and activity level of the Fire Department.
- g. The City contains low-lying coastal areas subject to flooding from sustained rain with tide which hinders drainage to the bay. Certain other areas such as Balboa Island are subject to water surges from drainage through the Back Bay. The southern boundary of the City is along the Pacific Ocean. Winter storms and tropical storms come into the City from the ocean. These storms can create high winds and large ocean waves that can cause flooding in areas of the city.



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Debra D. Brown
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- h. Along part of the western boundary of the City is the Santa Ana River. This river originates in the San Bernardino Mountains and flows through many communities until it terminates in the ocean at the Huntington Beach/Newport Beach border. The river is contained in a man-made channel. Heavy rainfall and urban runoff has potential to cause flooding in the flood plain due to the river and/or its tributaries. West Newport Beach is subject to flooding from the Santa Ana River.
- i. Due to the geographic conditions of widespread development separated by waterways and the street congestion caused by local geography, and the expected infrastructure damage inherent in a seismic hazard zone, it is prudent to rely on automatic fire sprinkler systems to mitigate extended Fire Department response time and keep fires manageable with reduced fire flow (water) requirement for a given structure.

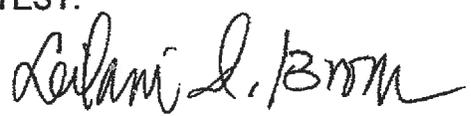
SECTION 3: A copy of this Resolution together with the Ordinances adopting the City Codes shall be filed with the California Building Standards Commission and the California Department of Housing and Community Development by the City Clerk of the City of Newport Beach as required by State law (Health and Safety Code Section 17958.7).

SECTION 4: This Resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

ADOPTED this 12th day of November, 2013.

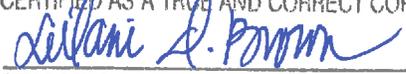


Keith D. Curry, Mayor

ATTEST:


Leilani I. Brown, City Clerk



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DATE: 1-14-14

STATE OF CALIFORNIA }
COUNTY OF ORANGE }
CITY OF NEWPORT BEACH } ss.

I, Leilani I. Brown, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; that the foregoing resolution, being Resolution No. 2013-80 was duly and regularly introduced before and adopted by the City Council of said City at a regular meeting of said Council, duly and regularly held on the 12th day of November, 2013, and that the same was so passed and adopted by the following vote, to wit:

Ayes: Gardner, Petros, Hill, Seich, Henn, Daigle, Mayor Curry

Nays: None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 13th day of November, 2013.

Leilani I. Brown

City Clerk
Newport Beach, California

(Seal)



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Leilani I. Brown
CITY CLERK OF THE CITY OF NEWPORT BEACH

DATE: 1-14-14