

BUILDING STANDARDS COMMISSION

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



November 2, 2012

Kevin Kitch, Assistant Chief
Life Safety Services Division
Newport Beach Fire Department
P.O. Box 1768
Newport Beach, CA 92658-8915

Dear Mr. Kitch:

This letter is to acknowledge receipt on October 19, 2012 of the City of Newport Beach submittal pertaining to Ordinance No. 2012-21 with findings and is acceptable for filing. Your filing attests to your understanding that according to Health and Safety Code §17958.7 no modification or change to the California Building Standards Code shall become effective or operative for any purpose until the findings and the modifications or changes have been filed with the California Building Standards Commission (the Commission).

This letter attests only to the filing of these local modifications with the Commission, which is not authorized by law to determine the merit of the filing. As a reminder, local modifications 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.

In addition, should you receive Fire Protection District ordinances for ratification, it is required to submit the ratified ordinances to the Department of Housing and Community Development [Health and Safety Code Section 13869.7(c)], ATTENTION: State Housing Law Program Manager, rather than the Commission. Likewise, ordinances containing energy efficiency standards may require approval from the California Energy Commission pursuant to Public Resources Code Section 25402.1(h)(2).

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

Sincerely,


Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings



NEWPORT BEACH FIRE DEPARTMENT

P.O. Box 1768, 3300 NEWPORT BLVD., NEWPORT BEACH, CA 92658-8915

PHONE: (949) 644-3104 FAX: (949) 644-3120 WEB: WWW.NBFD.NET

SCOTT L. POSTER
FIRE CHIEF

October 17, 2012

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 2010 CALIFORNIA FIRE CODE

Dear Commission:

Please be advised at the City of Newport Beach's September 25, 2012 City Council meeting, the Newport Beach City Council passed Ordinance No. 2012-21 which adopted and amended the 2010 California Fire Code. The ordinance contained the following express findings with regard to the locally adopted amendments:

- A. On December 6, 2010, the City of Newport Beach adopted Ordinance 2010-24 requiring that all high rise buildings be equipped with an approved Breath Air Replenishment Systems ("BARS") for firefighters. The BARS were designed to provide an adequate pressured fresh air supply through a permanent piping system for the replenishment of self-contained breathing air carried by fighters in the performance of their duties. The required breathing air for the BARS is then supplied into the permanent piping system by a mobile breathing air unit, essentially a breathing air compressor on wheels.
- B. The City's Fire Code specifies that the location of the air refill stations, installation of the BARS, and the maintenance of the BARS be designed and installed in accordance with their guideline D.02 specification that the connections for the BARS must be compatible with the NBFD's mobile breathing air unit. This equipment no longer exists in the City of Newport Beach, nor is a replacement unit proposed. Without a mobile breathing air unit, the system cannot be utilized by firefighters in the performance of their duties fighting a fire in a high rise building.

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CITY OF NEWPORT BEACH
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Building Standards Commission
October 17, 2012
Page 2

- C. Absent the availability of our own mobile air unit, and issues with multi-agency adoption and training, we find that the strict application of the local Fire Code in this specific setting is not practical.

Enclosed, please find the following documents:

- Ordinance 2012-21 passed on September 25, 2012 by the City of Newport Beach City Council, signed by Mayor Gardner and certified by the City Clerk. The ordinance contains the express findings of the Council with regard to absent the availability of a Nbfd mobile breathing air unit, the strict application of the City's Fire code in this specific setting is not practical as well as a complete set of the adopted amendment.
- The summary of 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

KK:da

cc: Chief Poster, Fire Department

ORDINANCE NO. 2012-21

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF NEWPORT BEACH
REPEALING SECTION 9.04.060 OF THE
NEWPORT BEACH MUNICIPAL CODE AND
ADOPTING A NEW SECTION 9.04.060 OF
TITLE 9, CHAPTER 9.04, TO REMOVE
SECTION 610 BREATHING AIR
REPLENISHMENT SYSTEMS (BARS)

The City Council of the City of Newport Beach finds as follows:

WHEREAS, the City of Newport Beach ("City") adopted Ordinance 2010-24 on December 6, 2010, which among other additions, added Section 610 into the City of Newport Beach's Fire Code as codified in Newport Beach Municipal Code ("NBMC") section 9.04.060; and

WHEREAS, the adopted NBMC requires that all high rise buildings be equipped with an approved Breathing Air Replenishment Systems ("BARS") for firefighters; and

WHEREAS, the BARS is designed to provide an adequate pressurized fresh air supply through a permanent piping system for the replenishment of self-contained breathing air carried by firefighters in the performance of their duties; and

WHEREAS, the required breathing air for the BARS is supplied into the permanent piping system by a mobile breathing air unit; and

WHEREAS, the California State Fire Code does not require the installation of BARS in new high rise buildings; and

WHEREAS, Section 610 of the City's Fire Code, NBMC Chapter 9.04, specifies that the location of air refill stations, installation of the BARS, and maintenance of BARS be designed and installed in accordance with Newport Beach Fire Department ("NBFD") Guideline D.02 Firefighter Breathing Air Replenishment Systems; and

WHEREAS, the procedure in NBFD Guideline D.02 specifies that the connections for the BARS must be compatible with the NBFD's mobile breathing air unit; and

WHEREAS, the City no longer has a mobile breathing air unit, nor is a replacement unit funded and this equipment is essential to the successful operation of BARS; and

WHEREAS, countywide operational integration of BARS presents ongoing logistical and training issues for NBFD and other fire agencies in Orange County; and

WHEREAS, absent the availability of a NBFD mobile breathing air unit, the strict application of the City's Fire Code in this specific setting is not workable; and

WHEREAS, the City Council readopts the findings and recitals contained in Ordinance No. 2010-24 as if set forth in full herein.

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

SECTION 1: Section 9.04.060 of Chapter 9.04 of the Newport Beach Municipal Code is hereby repealed.

SECTION 2: A new section 9.04.060 of Chapter 9.04 of the Newport Beach Municipal Code is hereby added to read as follows:

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 the following locations:

- A. In the main exit corridor of each floor, adjacent to each exit enclosure.
- B. On every level in every stairwell.
- C. In each elevator lobby.
- D. In public assembly areas larger than 1,500 square feet (139.36 m²).
- E. In every fire control room.
- F. In such other areas as may be designated by the fire code official.

Section 611 Solar Photovoltaic Systems is amended by adding Section 611.1 to read as follows:

611.1 General. Solar Photovoltaic Systems shall comply with Newport Beach Fire Departments Guideline D.04 Fire Safety Elements of Solar Photovoltaic Systems. The provision of this section may be applied by either the fire code official or the building official.

SECTION 3: The City Council finds that 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.

SECTION 4: If any provision, section, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstances, be declared invalid or unconstitutional.

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 once in the official newspaper of the City, and it shall be effective thirty (30) days after its adoption.

[CONTINUED ON NEXT PAGE.]

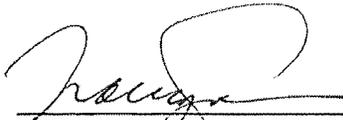
This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach, held on the 25th day of September, 2012, and adopted on the 9th day of October, 2012, by the following vote, to wit:

AYES, COUNCIL MEMBERS Hill, Rosansky, Curry, Selich,

Henn, Daigle, Mayor Gardner

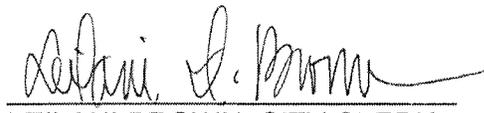
NOES, COUNCIL MEMBERS None

ABSENT COUNCIL MEMBERS None



NANCY GARDNER, MAYOR

ATTEST:



LEILANI BROWN, CITY CLERK



APPROVED AS TO FORM:


AARON C. HARP, CITY ATTORNEY

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

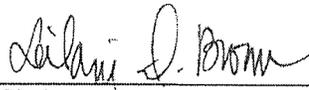
I, Leilani I. Brown, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; that the foregoing ordinance, being Ordinance No. 2012-21 was duly and regularly introduced on the 25th day of September, 2012, and adopted by the City Council of said City at a regular meeting of said Council, duly and regularly held on the 9th day of October, 2012, and that the same was so passed and adopted by the following vote, to wit:

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

Noes: None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 10th day of October, 2012.





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. 2012-21 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: September 29, 2012
Adopted Ordinance: October 13, 2012

In witness whereof, I have hereunto subscribed my name this _____ day of _____
2012.

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



April 04, 2011

Mr. Ron Gamble, Fire Marshal
Adoption of the Fire Code Ordinance
City of Newport Beach
3300 Newport Boulevard, P.O.Box 1768
Newport Beach, California 92658-8915

Dear Mr. Ron Gamble:

This letter is to acknowledge receipt on February 10, 2011 of the City of Newport Beach submittal pertaining to Fire Code Ordinance No. 2011-4 with findings and is acceptable for filing. Per Health and Safety Code Section 17958.8 no modification or change to the California Building Standards Code shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission (the Commission).

This letter attests only to the filing of these local modifications with the Commission, which is not authorized by law to determine the merit of the filing.

As a reminder, local modifications 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. In addition, should you receive Fire Protection District ordinances for ratification, it is required to submit the ratified ordinances to the Department of Housing and Community Development [H&SC Section 13869.7(c)], attention State Housing Law Program Manager, rather than the Commission.

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", is written over a horizontal line.

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings



NEWPORT BEACH FIRE DEPARTMENT
P.O. Box 1768, 3300 NEWPORT BLVD., NEWPORT BEACH, CA 92658-8915

February 7, 2011

Building Standards Commission
2525 Natomas Park Dr., Suite 130
Sacramento, CA 95833

Subject: Local Amendments to the 2010 California Fire Code, City of Newport Beach

To Whom It May Concern:

On January 25, 2011, the Newport Beach City Council passed Ordinance No. 2011-4 which adopted and amended the California Fire Code. This ordinance is an addition to Ordinance No. 2010-24 which was passed by the City Council on December 6, 2010 with a letter and attachments already sent to your office. The City Council had a Code User Workshop review the new local amendments prior to reading and passing this latest Ordinance No. 2011-4. The ordinance contained the following express findings with regard to the locally adopted amendments:

- 1) 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 rapid response. Obstacles generated by a strong wind, such as fallen trees, streetlights and utility poles may greatly impact the response time to reach an incident scene.
- 2) The City of Newport Beach is located in the middle of the seismically active area identified as Seismic Zone 4. The viability of the public water system would be questionable at best 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 to floors in a fire. 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. With the probability of strong aftershocks there exists a need to provide increased protection for anyone on upper floors of buildings.
- 3) Due to the topographical conditions of sprawling development separated by waterways and narrow and congested streets and the expected infrastructure damage inherent in seismic zone described above, 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.
- 4) The City of Newport Beach has several areas with significant growth of wildland vegetation of a highly combustible nature that could threaten structures and the surrounding community. That threat combined with the potential for high winds described above warrant additional construction requirements for specific areas that have increased danger should a fire occur.

Enclosed, please find the following documents:

- Ordinance 2011-4 passed on January 25, 2011 by the Newport Beach City Council, signed by the Mayor and certified by the City Clerk. The ordinance contains the express findings of the Council with regard to local climatic, geological and topographical conditions as well as a complete set of the adopted amendments.
- The summary of eight (8) new local amendments and two (2) revised local amendments.

Please contact me at 949-644-3353, or by email at rgamble@nbfd.net if you have any questions regarding this submittal.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Gamble". The signature is fluid and cursive, with a large initial "R" and "G".

Ron Gamble
Fire Marshal

Enclosures: Ordinance 2011-4
Summary of New and Revised Local Amendments

CITY OF NEWPORT BEACH CITY COUNCIL STAFF REPORT

Agenda Item No. _____
January 25, 2011

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: Fire Department
Mike Morgan, Fire Chief, 644-3101
mmorgan@nbfd.net

SUBJECT: Amendment of the Newport Beach Municipal Code, Title 9; Fire Code

RECOMMENDATION:

1. Conduct a public hearing:
2. Conduct a second reading and adopt Ordinance No. _____ amending the Newport Beach Municipal Code Title 9, Chapter 9.04 (Fire Code), by amending Sections 9.04.040, Section 9.04.050, Section 9.04.060, Section 9.04.070, and Section 9.04.120.

DISCUSSION:

This is a request to update Title 9 of the Newport Beach Municipal Code by amending the 2010 Fire Code which was adopted on January 1st, 2011, by the Newport Beach City Council.

The eight Amended Sections, 9.04.50 through 9.04.120, listed on the attached summary are being proposed in order to maintain consistency with the Building Code. Two amendments to Section 9.04.040, are recommended revisions to the current fire code and are being proposed to clarify the intent of the existing regulation. One new amendment, to Section 9.04.070, listed in the California Fire Code Section 903.2.8, under Group R Sprinklers, establishes thresholds for the addition of fire sprinkler systems in homes when the size of an existing building is increased by 2,000 square feet and exceeds 50% of the area of the existing home.

All of the aforementioned amendments were reviewed at a code user group workshop, which included architects, builders and other interested shareholders. No major issues were raised, nor any of the amendments opposed by workshop participants.

PUBLIC NOTICE:

Notice has been given consistent with the Brown Act and no further notice is necessary.

New Local Amendments

NBMC Section	CFC Section	Title	Action	Comments
9.04.040	305.5	Vegetation	New	Requires a 10' clearance from a chimney outlet
9.04.050	508.1	Fire Command Center General	New	Fire Command Center required for buildings 55 ft above or more than 30 ft below the lowest level of fire department access.
9.04.060	611	Solar Photovoltaic Systems	New	Requires systems to comply with the Nbfd guideline
9.04.070	903.2.8	Group R Sprinklers	New	Establishes thresholds for the addition of fire sprinkler systems in homes when the size of an existing building is increased.
9.04.070	907.6.2.2	Emergency voice/alarm communication system	New	Establishes when and where the alert tone and voice instructions shall sound.
9.04.070	907.7.3.2	High-rise buildings	New	Establishes what alarm initiating devices shall have separate zones.
9.04.070	910.3.2.2	Sprinklered Buildings	New	Establishes smoke and heat vent activation requirements.
9.04.120	4906.2	Zone A Combustible construction Zone	New	Addresses the non-combustible construction in fuel modification Zone A

Existing but Revised Amendments

9.04.040	307.1.1	Prohibited open burning, recreational fires, and/or outdoor fireplaces	Revises existing	Adds outdoor fireplaces to this section.
9.04.040	318	Geological surveys	Revises existing	Section number changed and added the requirement for modifications to existing systems.

WHEREAS, the Fire Chief has recommended that changes and modifications be made to the Fire Code that are reasonably necessary due to the following local climatic, geographical, or topographical conditions:

- 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, and control of such fires requires rapid response. Obstacles generated by a strong wind, such as fallen trees, streetlights and utility poles, may greatly impact the response time to reach an incident scene.
- B. The City of Newport Beach is located in the middle of the seismically active area identified as Seismic Zone 4. The viability of the public water system would be questionable, at best, 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 to floors in a fire. A severe seismic event has the potential to negatively impact any rescue or fire suppression activity because it is likely to create obstacles similar to those indicated under the high wind section above. With the probability of strong aftershocks there exists a need to provide increased protection for anyone on upper floors of buildings.
- C. Due to the topographical conditions of sprawling development separated by waterways, narrow and congested streets, and the expected infrastructure damage inherent in the seismic zone described above, 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. The City of Newport Beach has several areas with significant growth of wildland vegetation of a highly combustible nature that could threaten structures and the surrounding community. That threat, combined with the potential for high winds described above, warrant additional construction requirements for specific areas that have increased danger should a fire occur.

Section 318 Geological Surveys is added to read as follows:

SECTION 318 GEOLOGICAL SURVEYS

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

318.2 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:

- A. 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;
- B. May contain or give off toxic, combustible or flammable liquids, gases, or vapors; or
- C. Modifications to existing systems.

9.40.050 Amendments to Chapter 5 Fire Service Features

Section 508 Fire Command Center is amended by revising Section 508.1 to read as follows:

508.1 General. In all buildings having occupied floors located more than 55 feet (16,764 mm) above or more than 30 feet (9144 mm) below the lowest level of fire department vehicle access, a fire command center for fire department operations shall be provided. The fire command center shall comply with sections 508.1.1 through 508.1.5.

Section 907.6.2.2 Emergency voice/alarm communication systems is amended to read as follows:

907.6.2.2 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 having occupied floors located more than 55 feet (16 764 mm) above or 55 feet (16 764 mm) below 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 907.7.3.2 High-rise buildings is amended to read as follows:

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 3: 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 once in the official newspaper of the City, and it shall be effective thirty (30) days after its adoption.

This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach, held on the ___ day of _____, 201__, and adopted on the ___ day of _____, 201__, by the following vote, to wit:

AYES, COUNCILMEMBERS _____

NOES, COUNCILMEMBERS _____

ABSENT COUNCILMEMBERS _____

MAYOR _____

ATTEST:

CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY



David R. Hunt, City Attorney



CITY OF NEWPORT BEACH

BUILDING DEPARTMENT ISO Class 1 Rating

February 4, 2011

Mr. Dave Walls
Executive Director
State of California
Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833-2936

Subject: Adoption and Amendments of the 2010 California Codes

Dear Mr. Walls:

On November 23, 2010, the City of Newport Beach adopted the attached Ordinance No. 2010-23, amending the Newport Beach Municipal Code to adopt the 2010 California Building, Mechanical, Electrical, Plumbing, Residential, Green Building Standards, Historical Building and Existing Building codes, effective December 23, 2010.

On January 25, 2011, the City of Newport Beach adopted the attached Ordinance No. 2011-5, amending the Newport Beach Municipal Code to adopt the 2009 International Property Maintenance, 2009 Uniform Swimming Pool, Spa and Hot Tub codes; and to amend the 2010 California Building, Residential, and Green Building Standards codes.

These changes and modifications were reasonably necessary due to local climatic, geological, or topographical conditions. These findings were adopted by Resolutions No. 2010-127 and No. 2011-9, enclosed herein for your information and filing.

Please call (949) 644-3282 if you have any questions or if I can be of further assistance.

Very truly yours,
BUILDING DEPARTMENT

Faisal Jurdi, P.E., C.B.O., CASp
Deputy Building Official

Attachment: Adopted Ordinance No. 2010-23 and 2011-5 and
Resolutions No. 2010-127 and 2011-9

FJ:mg

Codes\2011\CalifBldStandardsCommfilingltr 2-3-11

ORDINANCE NO. 2011-5

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 2010 CALIFORNIA BUILDING CODE DESIGNATED AS THE NEWPORT BEACH ADMINISTRATIVE CODE; TO ADOPT THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE; TO ADOPT THE 2009 UNIFORM SWIMMING POOL, SPA AND HOT TUB CODE; TO AMEND THE 2010 EDITION OF THE CALIFORNIA BUILDING CODE; TO AMEND THE 2010 EDITION OF THE CALIFORNIA RESIDENTIAL CODE; TO AMEND THE 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE; TO ADD A NEW MUNICIPAL CODE CHAPTER 15.12 POST-DISASTER SAFETY ASSESSMENT PLACKARDS AND STANDARDS FOR REPAIR OF DAMAGED STRUCTURES; AND TO AMEND AND RENAME THE MUNICIPAL CODE CHAPTER 15.50 FLOODPLAIN MANAGEMENT.

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

SECTION 1: Chapter 15.02 of the Newport Beach Municipal Code is amended to read:

Chapter 15.02

ADMINISTRATIVE CODE

Sections:

- 15.02.060 Amendment to Section 101.4.4
- 15.02.080 Amendment to Section 102.6
- 15.02.100 Amendment to Section 105.2
- 15.02.110 Amendment to Section 105.3.2
- 15.02.120 Amendment to Section 105.5
- 15.02.130 Amendment to Section 109.4
- 15.02.140 Added Section 110.3.9.1

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 International 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 15.02.080 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 Property Maintenance Code, or the California Fire Code, or as is deemed necessary by the *Building Official* for the general safety and welfare of the occupants and the public.

Section 15.02.100 Amendment to Section 105.2

Section 105.2 is amended to read as follows:

Section 105.2 Work exempt from permit.

Building: 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 15.02.110 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 *building official* is authorized to grant up to two extension of time for a period not exceeding 180 days each. The extension shall be requested in writing

and justifiable cause demonstrated. [OSHPD 1, 2, & 4] Time limitation shall be in accordance with Title 24, Part 1, Chapter 7, Section 7-129.

Section 15.02.120 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 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 15.02.130 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 15.02.140 Added Section 110.3.9.1

Section 110.3.9.1 is added to read as follows:

Section 110.3.9.1 Approval of Special Inspector. The special inspector shall be a qualified person approved by the 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 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 Building Official, as a special inspector for each classification for which they apply. The 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 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 Building Official.

SECTION 2. Chapter 15.03 of the Newport Beach Municipal Code is 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 and 102
- 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 though set forth in full in this section, the 2009 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 2009 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, and 108.1 through 108.1.5.

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."

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 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 provision of the Newport Beach Zoning Code.

Section 15.03.060 Amendment to Section 303.2

Section 303.2 is amended 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 amended to read as follows:

**Chapter 15.04
BUILDING CODE**

Sections:

- 15.04.020 Amendment to Section 403
- 15.04.030 Amendment to Section 403.1
- 15.04.040 Amendment to Section 403.1.1
- 15.04.050 Amendment to Section 403.4.7.2
- 15.04.060 Amendment to Section 403.4.8.1
- 15.04.070 Amendment to Section 701A.1
- 15.04.080 Amendment to Section 701A.3
- 15.04.090 Amendment to Section 701A.3.1
- 15.04.100 Amendment to Section 702A
- 15.04.110 Amendment to Section 708A
- 15.04.120 Amendment to Section 710A
- 15.04.130 Amendment to Section 903.2
- 15.04.140 Amendment to Section 903.2.8
- 15.04.150 Amendment to Section 907.2.13
- 15.04.160 Amendment to Section 907.5.2.2
- 15.04.170 Amendment to Section 907.6.3.2
- 15.04.180 Amendment to Section 910.3.2.2
- 15.04.200 Amendment to Table 1505.1
- 15.04.220 Amendment to Section 1505.1.3
- 15.04.230 Amendment to Section 3109.4.4.2
- 15.04.250 Addition of Section 3401.3.1

Section 15.04.020 Amendment to Section 403

Section 403 is amended to read as follows:

SECTION 403 HIGH-RISE BUILDINGS HAVING OCCUPIED FLOORS LOCATED MORE THAN 55 FEET ABOVE THE LOWEST LEVEL OF FIRE DEPARTMENT VEHICLE ACCESS AND GROUP I-2 OCCUPANCIES HAVING OCCUPIED

**FLOORS LOCATED MORE THAN 75 FEET ABOVE THE LOWEST LEVEL OF
FIRE DEPARTMENT VEHICLE ACCESS.**

Section 15.04.030 Amendment to Section 403.1

Section 403.1 is amended to read as follows:

Section 403.1 Applicability. *New high-rise buildings having occupied floors located more than 55 feet above the lowest level of fire department vehicle access and new Group I-2 occupancies having occupied floors located more than 75 feet above the lowest level of fire department vehicle access shall comply with Sections 403.2 through 403.6.*

Exception: The provisions of Sections 403.2 through 403.6 shall not apply to the following buildings and structures:

1. Airport traffic control towers in accordance with Section 412.3
2. Open parking garages in accordance with Section 406.3
3. Buildings with a Group A-5 occupancy in accordance with Section 303.1.
4. Special industrial occupancies in accordance with Section 503.1.1.
5. Buildings such as power plants, lookout towers, steeples, grain houses and similar structures with non-continuous human occupancy, when so determined by the enforcing agency.

Section 15.04.040 Amendment to Section 403.1.1

Section 403.1.1 High-rise Building Item 2 is amended to read as follows:

2. *"High-rise structure" means every building of any type of construction or occupancy having floor used for human occupancy located more than 55 feet above the lowest floor level having building access (as defined in this section), except buildings used as hospitals as defined in Health and Safety Code Section 1250.*

Section 15.04.050 Amendment to Section 403.4.7.2

Section 403.4.7.2 is amended to read as follows:

Section 403.4.7.2 Standby power loads. The following are classified as standby power loads:

1. Power and lighting for the fire command center required by Section 403.4.5; and
2. Standby power shall be provided for elevators in accordance with Sections 1007.4, 3003, 3007 and 3008.

Section 15.04.060 Amendment to Section 403.4.8.1

Section 403.4.8.1 is amended to read as follows:

Section 403.4.8.1 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 15.04.070 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 Wildland-Urban Interface Fire Area as defined in Section 702A.*

Section 15.04.080 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 15.04.090 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 15.04.100 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 15.04.110 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 15.04.120 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.*

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 *Accessory structures within 50 feet of an applicable building shall comply with the requirements of this section.*

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

Section 15.04.130 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 15.04.140 Amendment to Section 903.2.8

Section 903.2.8 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:
 - 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.

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

Section 15.04.150 Amendment to Section 907.2.13

Section 907.2.13 is amended to read as follows:

Section 907.2.13 High-rise buildings having occupied floors located more than 55 feet above the lowest level of fire department vehicle access and Group I-2 occupancies having floors located more than 75 feet above the lowest level fire department vehicle access. High-rise buildings having occupied floors located more

than 55 feet above the lowest level of fire department vehicle access and Group I-2 occupancies having floors located more than 75 feet above the lowest level fire department vehicle access shall be provided with an automatic smoke detection system in accordance with Section 907.2.13.1, a fire department communication system in accordance with Section 907.2.13.2 and an emergency voice/alarm communication system in accordance with Section 907.5.2.2.

Exception: Airport traffic control towers in accordance with Sections 907.2.22 and 412.

Section 15.04.160 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 having occupied floors located more than 55 feet above the lowest level of fire department vehicle access, and Group I-2 occupancies having occupied floors located more than 75 feet above the lowest level 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:

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 15.04.170 Amendment to Section 907.6.3.2

Section 907.6.3.2 is amended to read as follows:

Section 907.6.3.2 High-rise buildings. In *high-rise buildings having occupied floors located more than 55 feet above the lowest level of fire department vehicle access* and Group I-2 occupancies having occupied floors located more than 75 feet above the lowest level fire department vehicle access, a separate zone by floor shall be provided for all of the following types of alarm-initiating devices where provided:

Section 15.04.180 Amendment to Section 910.3.2.2

Section 910.3.2.2 is amended to read as follows:

Section 910.3.2.2 Sprinklered buildings. Where installed in buildings provided with an *approved automatic sprinkler system*, smoke and heat vents shall be designed to operate automatically by actuation of a heat-responsive device rated at least 100° F above the operating temperature of the sprinkler, unless otherwise approved.

Section 15.04.200 Amendment to Table 1505.1

Table 1505.1 is amended to read as follows:

TABLE 1505. 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 15.04.220 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 15.04.230 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 building official. Any ordinance governing child access to pools adopted by a political subdivision on or before January 1, 2007, is presumed to afford protection that is equal to or greater than that afforded by any of the devices set forth in items 1-3, inclusive.

Section 15.04.250 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 2009 International Existing Building Code.

SECTION 4: Chapter 15.05 of the Newport Beach Municipal Code is amended by adopting the 2010 California Residential Code as follows:

**Chapter 15.05
RESIDENTIAL CODE**

Sections:

- 15.05.080 Deletion of Section R313
- 15.05.100 Deletion of Section R327
- 15.05.120 Addition to Section R330
- 15.05.130 Amendment to Section R401.1
- 15.05.150 Amendment to Section R401.4
- 15.05.160 Amendment to Section R401.4.1
- 15.05.170 Deletion of Exception to Section R403.1.3
- 15.05.180 Amendment to Section R405.1
- 15.05.190 Deletion of Exception to Section R602.3.2
- 15.05.200 Deletion of Section R902

Section 15.05.080 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 NBMC Section 15.04.140.

Section 15.05.100 Deletion of Section R327 Materials and Construction Method for exterior wildfire exposure.

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

Section 15.05.120 Addition of Section R330

Section R330 is added to read as follows:

SECTION R330 – SWIMMING POOLS, SPAS, AND HOT TUBS

R330.1 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 15.05.130 Amendment to Section R401.1

Section R401.1 is amended to read as follows:

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 foundations 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 only 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.

Section 15.05.150 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 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 15.05.160 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 Building Official, the load-bearing values in Table R401.4.1 shall be assumed.

Section 15.05.170 Deletion of Exception to Section R403.1.3.

Section R403.1.3 Exception is deleted in its entirety.

Section 15.05.180 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 15.05.190 Deletion of Exception to Section R602.3.2

Section R602.3.2 Exception is deleted in its entirety.

Section 15.05.200 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 15.04.190 through 15.04.220.

SECTION 5: Chapter 15.09 of the Newport Beach Municipal Code is replaced in its entirety to read as follows:

Chapter 15.09
SWIMMING POOL CODE

Sections:

- 15.09.010 Adoption of the Uniform Swimming Pool Code
- 15.09.020 Amendment to Section 101.5.5
- 15.09.030 Deletion of Section 101.5.6
- 15.09.040 Deletion of Sections 102.0 through 103.8
- 15.09.050 Addition of Section 301.5
- 15.09.060 Addition of Section 301.6
- 15.09.070 Amendment to Section 309.4
- 15.09.080 Amendment to Section 313.3

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 2009 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 Code. A copy of the 2009 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 101.5.5

Section 101.5.5 is amended by the addition of a second paragraph to read as follows:

Section 101.5.5 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 pool shall be clearly visible.

Section 15.09.030 Deletion of Section 101.5.6

Section 101.5.6 is deleted in its entirety.

Section 15.09.040 Deletion of Sections 102.0 through 103.8 with the Replacement of the City of Newport Beach Municipal Code, Chapter 15.02 ADMINISTRATIVE CODE

Sections 102.0 through 103.8 are deleted in their entirety and replaced to read as follows:

Section 102.0 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 ADMINISTRATIVE CODE.

Section 102.0.1 Exempt work from permit. A permit shall not be required for the following:

Section 102.0.1.1 The stopping of leaks in drains, soil, waste or vent pipe, provided, however, that should and trap, drainpipe, soil, waste, or vent pipe become defective and it becomes necessary to remove and replace the same with new material, the same shall be procured and inspection made as provided in this code.

Section 102.0.1.2 (1) The clearing of stoppages, or (2) the repairing of leaks in pipes, valves or fixtures, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of the code or any other laws or ordinances of this jurisdiction.

Section 15.09.050 Addition of Section 301.5

Section 301.5 is added to read as follows:

Section 301.5 Excavation, Grading and Drainage. Excavation, Grading and Drainage shall be in accordance with the provisions contained in the City of Newport Beach Municipal Code, Chapter 15.10 EXCAVATION AND GRADING CODE.

Section 15.09.060 Addition of Section 301.6

Section 301.6 is added to read as follows:

Section 301.6 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 15.09.070 Amendment to Section 309.4

Section 309.4 is amended to read as follows:

Section 309.4 Pool, Spa and Hot Tub Outlet. Pool, spa or hot tub outlets shall be listed to standards for antibody and hair entrapment in accordance with APSP 7 or ASME A112.19.8. Entrapment avoidance shall be in accordance with the provisions contained in the California Building Code, Section 3109.4.4.8 and 3109.5.

Section 15.09.080 Amendment to Section 313.3

Section 313.3 is amended by the addition of a third paragraph to read as follows:

Section 313.3

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 6. Chapter 15.11 of the Newport Beach Municipal Code is hereby 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 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: A4.210.1; A4.303.1 Tier 1 and Tier 2; A4.506.1; A5.106.2; A5.106.2.1; A5.106.2.2; A5.204.1; A5.212.1; A5.303.3(1) and (2)

Section 15.11.020 Amendment 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 7 are installed on central air or ventilation systems. Pressure drop across the filter shall not exceed 1 inch water column.

SECTION 7. Chapter 15.12 of the Newport Beach Municipal Code is hereby added to read:

Chapter 15.12
POST-DISASTER SAFETY ASSESSMENT PLACARDS
AND STANDARD FOR REPAIR OF DAMAGED STRUCTURES

Sections:

- 15.12.010 Adoption of Post-Disaster Safety Assessment Placards and Standard for Repair of Damaged Structures
- 15.12.020 Purpose and Intent
- 15.12.030 Application of Provisions
- 15.12.040 Definitions
- 15.12.050 Placards
- 15.12.060 Structural Repairs

Section 15.12.010 Adoption of Post-Disaster Safety Assessment Placards and Standard for Repair of Damaged Structures. The City Council adopts and incorporates by reference, as though set forth in full in this section, the Disaster Safety Assessment Placards and Standard for Repair of Damaged Structures.

Section 15.12.020 Purpose and Intent. This chapter establishes standard placards to be used to indicate the condition of a structure for continued occupancy after any natural or manmade disaster. This chapter further authorizes the Building Department representative to post the appropriate placard at each entry point to a building or structure upon completion of a safety assessment. This chapter also provides a defined level of repair for buildings damaged by a natural or manmade disaster where a formal state of emergency has been proclaimed by the City Council.

Section 15.12.030 Application of Provisions. The provisions of this chapter are applicable, following each natural or manmade disaster, to all buildings and structures of all occupancies regulated by the City of Newport Beach.

Section 15.12.040 Definitions.

Damage Ratio is the estimated value of repairs required to restore the structural members to the estimated replacement value of the building or structure.

Safety assessment is a visual, non-destructive examination of a building or structure for the purpose of determining the condition for continued occupancy following a natural or manmade disaster.

Section 15.12.050 Placards.

1. The following are descriptions of the official placards to be used to designate the condition for continued occupancy of buildings or structures.
 - a. **INSPECTED – Lawful Occupancy Permitted** (Green in color) is to be posted on any building or structure wherein no apparent structural hazard has been found. This placard is not intended to mean that there is no damage to the building or structure.
 - b. **RESTRICTED USE** – (Yellow in color) is to be posted on each building or structure that has been damaged wherein the damage has resulted in some form of restriction to the continued occupancy. The individual who posts this placard will note in general terms the type of damage encountered and will clearly and concisely note the restrictions on continued occupancy.
 - c. **UNSAFE – Do Not Enter or Occupy** (Red in color) is to be posted on each building or structure that has been damaged such that continued occupancy poses a threat to life safety. Buildings or structures posted with this placard shall not be entered except as authorized in writing by the Building Department. Safety assessment teams shall be authorized to enter these buildings. This placard is not to be used or considered as a

demolition order. The individual who posts this placard will note in general terms the type of damage encountered.

2. This ordinance number, the name of the department, its address, and phone number shall be listed on each placard.
3. Once it has been attached to a building or structure, a placard is not to be removed, altered or covered until done so by an authorized representative of the building department or upon written notification from the department.

Section 15.12.060 Structural Repairs. Structural repairs shall comply with Chapter 34 of the California Building Code or added Section 3401.3.1.

SECTION 8. Chapter 15.50 of the Newport Beach Municipal Code is amended and renamed to read as follows:

Chapter 15.50
FLOODPLAIN MANAGEMENT

Sections:

- 15.50.050 Definitions. **Amended.**
- 15.50.070 Basis for Establishing the Areas of Special Flood Hazard. **Amended.**
- 15.50.130 Designation of the Floodplain Administrator. **Amended.**
- 15.50.135 Permit Review. **Added.**
- 15.50.140 Review, Use of Other Base Flood Data. **Amended.**
- 15.50.145 Development of Substantial Improvement and Substantial Damage Procedures. **Added.**
- 15.50.160 Alteration of Watercourses. **Deleted and replaced**
- 15.50.160 Notification of Other Agencies. **Replaced.**
- 15.50.190 Conditions for Variances. **Amended.**
- 15.50.200 Standards of Construction. **Amended.**
- 15.50.230 Coastal High Hazard Areas. **Amended.**

Section 15.50.050 Amendment to Section 15.50.050

Section 15.50.050 is amended to read as follows:

Section 15.50.050 Definitions. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

"Addition" means any additional building square footage added to the lot.

"Addition cost" means the "addition" square footage multiplied by the cost per foot average as determined by the Building Official.

"Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this chapter.

"Area of shallow flooding" means a designated AO or AH zone on the flood insurance rate map (FIRM). The base flood depths range from 1 to 3 feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood-related erosion hazard" is the land within a community, which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the flood insurance rate map (FIRM).

"Area of special flood hazard." See "Special flood hazard area."

"Area of special mudslide (i.e., mudflow) hazard" is the area subject to severe mudslides (i.e., mudflows). The area is designated as Zone M on the flood insurance rate map (FIRM).

"Base flood" means a flood, which has a 1% chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used through this chapter.

"Basement" means any area of the building having its floor subgrade, i.e., below ground level on all sides.

"Breakaway walls" are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is designed to break away under abnormally high tides or wave action without causing damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters. A breakaway wall shall have a safe design.

loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
2. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

"Building." See "Structure."

"Coastal high hazard area" means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. It is an area subject to high velocity waters, including coastal and tidal inundation or tsunamis. The area is designated on a flood insurance rate map (FIRM) as Zone VE, or V.

"Current value of the structure" means the existing structure square footage multiplied by the cost per foot average as determined by the Building Official.

"Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood, flooding, or flood water" means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides; and
2. The condition resulting from flood-related erosion.

"Flood boundary and floodway map (FBFM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance and Mitigation Administration has delineated both the areas of special flood hazards and the floodway.

"Flood hazard boundary map" means the official map on which the Federal Emergency Management Agency or Federal Insurance and Mitigation Administration has delineated the areas of flood hazards.

"Flood insurance rate map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance and Mitigation Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood insurance study" means the official report provided by the Federal Insurance and Mitigation Administration that includes flood profiles, the flood insurance rate map, the flood boundary and floodway map, and the water surface elevation of the base flood.

"Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source. See "Flooding."

"Floodplain Administrator" is the individual appointed to administer and enforce the floodplain management regulations.

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

"Floodplain management regulations" means this chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as a "regulatory floodway."

"Fraud and victimization" as related to Section 15.50.190, variances, of this chapter, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the City of Newport Beach will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one-hundred years. Buildings that are permitted to be

constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be incurred only at very high flood insurance rates.

"Functionally dependent use" means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

"Governing body" is the local governing unit, i.e., county or municipality that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

"Hardship" as related to Section 15.50.190, variances, of this chapter, means the exceptional hardship that would result from a failure to grant the requested variance. The City of Newport Beach requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a slightly different use than originally intended.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states with approved programs.

"Lowest floor" means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area (see "Basement") is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter. (Note: This definition allows garages serving one or two dwelling units to be built at grade. Below grade garages serving one or two dwelling units are not allowed as they are considered to be basements.)

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "Manufactured home" does not include a "Recreational vehicle."

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mudslide" (i.e., mudflow) describes a condition where there is a river, flow or inundation of liquid mud down a hillside, usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground, preceded by a period of unusually heavy or sustained rain.

"Mudslide (i.e., mudflow) prone area" means an area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflow.

"New construction" for floodplain management purposes, means structures for which the "Start of construction" commenced on or after the effective date of floodplain management regulations adopted by this community, and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by this community.

"North American Vertical Datum of 1988 (NAVD)" means, for the purpose of National Flood Insurance Program, the vertical datum to which base flood elevations shown on a community's flood insurance rate map are referenced.

"Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in,

along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

"One-hundred-year flood" or "100-year flood." See "Base flood."

"Primary frontal dune" means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively mild slope.

"Principal structure" means a structure used for the principal use of the property as distinguished from an accessory use.

"Public safety and nuisance" as related to Section 15.50.190, variances, of this chapter means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

"Recreational vehicle" means a vehicle, which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Remodel" means any reconstruction, rehabilitation or renovation of an existing structure whereby no additional floor area is added to an existing structure.

"Remodel cost" means the cost of the remodel as determined by the Building Official.

"Sand dunes" means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

"Sheet flow area." See "Area of shallow flooding."

"Special flood hazard area (SHFA)" means an area having special flood, mudslide (i.e., mudflow) or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, AE, A99, AH, VE or V.

"Start of construction" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within one hundred eighty days of the permit. The actual start means either the first placement or permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a "Substantial improvement", the actual start of construction means

the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

"Substantial damage" means any damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition (see "Remodel cost") would equal or exceed 50% of the "Current value of the structure" before the damage occurred.

"Substantial improvement" means any new construction, "Remodel" or "Addition", where the "Remodel cost" plus the "Addition cost" is at least 50% of the "Current value of the structure." This term includes structures, which have incurred "Substantial damage," regardless of the actual repair work performed. However, the term does not include:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "Historic structure," provided that the alteration will not preclude the structure's continued designation as a "Historic structure."

"V zone." See "Coastal high hazard area."

"Variance" means a grant of relief from the requirements of this chapter, which permits construction in a manner that would otherwise be prohibited by this chapter.

"Violation" means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Section 15.50.070 Amendment to Section 15.50.070

Section 15.15.070 is amended to read as follows:

Section 15.50.070 Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration of the Federal Emergency Management Agency in the "Flood Insurance Study Orange County and Incorporate Areas," dated December 3, 2009, with an accompanying flood insurance rate map and flood boundary and floodway maps dated December 3, 2009, and all subsequent revisions, are adopted by reference and declared to be a part of this chapter. This flood insurance study is on file at 3300 Newport Boulevard, Newport Beach, California (92659-1768). This flood insurance study is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the City Council by the Floodplain Administrator.

Section 15.50.130 Amendment to Section 15.50.130

Section 15.50.130 is amended to read as follows:

Section 15.50.130 Designation of the Floodplain Administrator. The City Manager or his designated representative is hereby appointed to administer, implement and enforce this chapter by granting or denying development permit applications in accordance with its provisions. The floodplain administrator shall also 1) Take action to remedy violations of this ordinance; 2) Complete and submit a biennial report to FEMA; and 3) Assure the community's General Plan is consistent with floodplain management objectives.

Section 15.50.135 Addition of Section 15.50.135

Section 15.50.135 is added to read as follows:

Section 15.50.135 Permit Review. The Floodplain Administrator or his designated representative shall review all development permits to determine:

1. Permit requirements of this ordinance have been satisfied, including determination of substantial improvement and substantial damage of existing structures;
2. All other required state and federal permits have been obtained;
3. The site is reasonably safe from flooding.
4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than 1 foot at any point; and,
5. All Letters of Map Revision (LOMRs) for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on Conditional Letters of Map Revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

Section 15.50.140 Amendment to Section 15.50.140

Section 15.50.140 is amended to read as follows:

Section 15.50.140 Review, Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 15.50.070, basis for establishing the areas of special flood hazard, the Floodplain Administrator or his designated representative shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer Sections 15.50.200 through 15.50.250.

Section 15.50.145 Addition of Section 15.50.145

Section 15.50.145 is added to read as follows:

Section 15.50.145 Development of Substantial Improvement and Substantial Damage Procedures. The Floodplain Administrator or his designated representative shall:

1. Answer to questions about substantially damaged buildings, develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage to include defining "Current Value of the Structure."
2. Assure procedures are coordinated with other departments/divisions and implemented by community staff.

Section 15.50.160 is deleted in its entirety and replaced as follows:

Section 15.50.160 Notification of Other Agencies:

1. Alteration or relocation of a watercourse. The Floodplain Administrator or his designated representative shall:
 - a. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
 - b. Submit evidence of such notification to the Federal Emergency Management Agency; and watercourse is maintained;
 - c. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.
2. Base Flood Elevation changes due to physical alterations. The Floodplain Administrator or his designated representative shall:
 - a. Within six months of information becoming available or project completion, whichever comes first, submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).
 - b. Verify all LOMRs for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on Conditional Letters of Map Revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land

preparation as specified in the "start of construction" definition. Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

3. Changes in corporate boundaries: The Floodplain Administrator or his designated representative shall notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

Section 15.50.190 Amendment to Section 15.50.190

Section 15.50.190 is amended to read as follows:

Section 15.50.190 Conditions for Variances.

1. Variances may be issued for the repair or rehabilitation of structures listed in National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
2. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
4. Variances shall only be issued upon:
 - i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on, or victimization of, the public, or conflict with existing local laws or ordinances.

5. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
6. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the regulatory flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced flood lowest flood elevation. A copy of the notice shall be recorded by the Floodplain Board in the office of the Orange County Recorder and shall be recorded in a manner so that it appears in chain of title of the affected parcel of land.

Section 15.50.200 Amendment to Section 15.50.200

Section 15.50.200 is amended to read as follows:

Section 15.50.200 Standards of Construction. In all areas of special flood hazards, all "substantial improvements," including all existing construction, shall meet the following standards:

- A. Anchoring. Adequate anchoring to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- B. Construction Materials and Methods.
 1. With materials and utility equipment resistant to flood damage;
 2. Using methods and practices that minimize flood damage;
 3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
 4. Within zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

C. Elevation and Floodproofing.

1. Residential construction shall have the lowest floor, including basement;
 - a. In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two feet above the highest grade if no depth number is specified;
 - b. In an A zone, elevated to or above the base flood elevation, as determined by the City of Newport Beach;
 - c. In all other zones, elevated to or above the base flood elevation per Section 15.50.070.
 - d. Fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must exceed the following minimum criteria:
 - i. Be certified by a registered professional engineer or architect to comply with a local floodproofing standard approved by the Federal Insurance and Mitigation Administration, or Federal Emergency Management Agency; or
 - ii. Have a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
 - e. Upon completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the community building

inspector to be properly elevated. Such certification or verification shall be provided to the Floodplain Administrator.

2. Nonresidential Construction. Nonresidential construction shall either be elevated to conform with subsection (C)(1)(a, b, c) or together with attendant utility and sanitary facilities:
 - a. Be floodproofed below the elevation recommended under subsection (C)(1)(a, b, c) so that the structure is watertight with walls substantially impermeable to the passage of water;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - c. Be certified by a registered professional engineer or architect that the standards of this section are satisfied. Such certification shall be submitted to the Floodplain Administrator.
 3. Manufactured Homes. Manufactured homes that are placed or substantially improved shall be elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
 4. Recreational Vehicles. All recreational vehicles shall:
 - a. Be on the site for fewer than one hundred eighty (180) consecutive days;
 - b. Be fully licensed and ready for highway use; a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - c. Meet the permit requirements of Section 15.50.200(C) of this chapter.
- D. Required Submittals. Before construction begins within any area of special flood hazards established in Section 15.50.070, application for a building permit shall be made pursuant to the Administrative Code, adopted in Newport Beach Municipal Code Section 15.02.010. In addition to submittals required by the Uniform Administrative Code, drawings shall show the nature, location,

dimensions, and elevations of each structure; existing and proposed grades, and drainage facilities. Specifically, the following information is required:

1. Proposed elevation, as determined by a licensed land surveyor or registered civil engineer, of the lowest floor (including basement) of all structures;
2. Proposed elevation in relation to (NAVD) to which any structure will be floodproofed;
3. All appropriate certifications listed in Section 15.50.150 of this chapter;
4. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development;
5. Plans for any walls to be used to enclose space below the base flood levels.

E. Floodways. Encroachments into floodways are prohibited, including fill, new construction, substantial improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

Section 15.50.230 Amendment to Section 15.50.230

Section 15.50.230 is amended to read as follows:

Section 15.50.230 Coastal High Hazard Areas. Within coastal high hazard areas as established under Section 15.50.070 the following standards shall apply.

- A. All "Substantial improvements," including all existing construction, and manufactured homes shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the lowest horizontal portion of the structural members of the lowest floor (excluding the pilings and columns) is elevated to or above the base flood level. The pile of column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be

those associated with the base flood. Wind loading values used shall be those required by the California Building Code;

- B. All new construction and other development shall be located on the landward side of the reach of mean high tide;
- C. "Substantial improvements," including all existing construction shall have the space below the lowest floor free of obstructions or constructed with breakaway walls as defined in Section 15.50.050 of this chapter. Such enclosed space shall not be used for human habitation and will be usable solely for parking of vehicles, building access and storage;
- D. Fill shall not be used for structural support of buildings;
- E. Manmade alteration of sand dunes which would increase potential flood damage is prohibited;
- F. The Floodplain Administrator shall obtain and maintain the following records:
 - 1. Certification by a registered engineer or land surveyor that a proposed structure complies with Section 15.50.230(A);
 - 2. The elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures, and whether such structures contain a basement.

SECTION 10. Severability Clause. That 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 11. Publication. 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 once in the official newspaper within fifteen (15) days after its adoption.

This Ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 11h day of January, 2011, and adopted on the 25th day of January, 2011, by the following vote, to-wit:

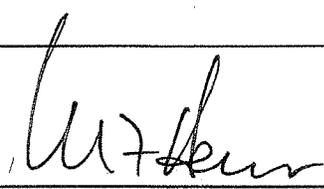
AYES, COUNCILMEMBERS Hill, Rosansky, Gardner,

Selich, Curry, Daigle, Mayor Henn

NOES, COUNCILMEMBERS _____

ABSENT, COUNCILMEMBERS _____

MAYOR _____

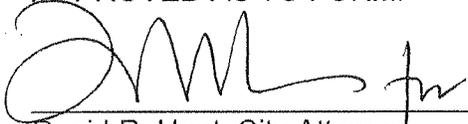


ATTEST:

Dani J. Brown
CITY CLERK



APPROVED AS TO FORM:



David R. Hunt, City Attorney 1-14-11
For the City of Newport Beach

Codes\2010\BUILDING CLEAN 1st ordinance code amendments 1-11-10

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 ordinance, being Ordinance No. 2011-5 was duly and regularly introduced on the 11th day of January, 2011, and adopted by the City Council of said City at a regular meeting of said Council, duly and regularly held on the 25th day of January, 2011, and that the same was so passed and adopted by the following vote, to wit:

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

Noes: None

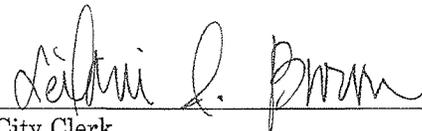
Absent: None

Abstain: None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 26th day of January, 2011.



(Seal)



City Clerk
City of Newport Beach, California

CERTIFICATE OF PUBLICATION

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 Ordinance No. 2011-5 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: January 15, 2011
Adopted Ordinance: January 29, 2011

In witness whereof, I have hereunto subscribed my name this _____ day of _____
2011.

City Clerk
City of Newport Beach, California

ORDINANCE NO. 2010-23

AN ORDINANCE OF THE CITY OF NEWPORT BEACH AMENDING TITLE 15 OF THE NEWPORT BEACH MUNICIPAL CODE TO ADOPT CHAPTER 1 DIVISION II OF THE 2010 CALIFORNIA BUILDING CODE DESIGNATED AS THE NEWPORT BEACH ADMINISTRATIVE CODE; THE 2010 EDITION OF THE CALIFORNIA BUILDING CODE; THE 2010 EDITION OF THE CALIFORNIA RESIDENTIAL CODE; THE 2010 EDITION OF THE CALIFORNIA ELECTRICAL CODE; THE 2010 EDITION OF THE CALIFORNIA MECHANICAL CODE; THE 2010 EDITION OF THE CALIFORNIA PLUMBING CODE; AMENDING MUNICIPAL CODE CHAPTER 15.10 EXCAVATION AND GRADING CODE; THE 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE; THE 2010 CALIFORNIA HISTORICAL BUILDING CODE; THE 2010 CALIFORNIA EXISTING BUILDING CODE.

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

SECTION 1: Chapter 15.02 of the Newport Beach Municipal Code is amended to read:

**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 (Reserved)
- 15.02.070 Amendment to Section 101.4.5
- 15.02.080 (Reserved)
- 15.02.090 Deletion of Section 103

Section 15.02.010 Adoption of the Administrative Code

The City Council adopts and incorporates by reference, as though set forth in full in this section Chapter 1 Division II of the 2010 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 2010 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 104.2 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 (Reserved.)

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 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 (Reserved.)

Section 15.02.090 Deletion of Section 103

Section 103 DEPARTMENT OF BUILDING SAFETY is deleted in its entirety.

SECTION 2: Chapter 15.04 of the Newport Beach Municipal Code is amended to read as follows:

**Chapter 15.04
BUILDING CODE**

Sections:

- 15.04.010 Adoption of California Building Code
- 15.04.020
- To
- 15.04.080 (Reserved)
- 15.04.190 Amendment to Section 1505.1
- 15.04.200 (Reserved)
- 15.04.210 Amendment to Section 1505.1.1
- 15.04.220 (Reserved)
- 15.04.230 (Reserved)
- 15.04.240 Amendment to Section 3401.3

Section 15.04.010 Adoption of the California Building Code

The City Council adopts and incorporates by reference, as though set forth in full in this section, the 2010 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 2010 California Building Code Volumes 1 and 2, printed in code book form shall be kept on file in the office of the City Clerk.

Sections 15.04.020 through 15.04.180 (Reserved.)

Section 15.04.190 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 15.04.200 (Reserved.)

Section 15.04.210 Amendment to Section 1505.1.1

Section 1505.1.1 is amended to read as follows:

Section 1505.1.1 Roof coverings within very high fire hazard severity zones. *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; the entire roof covering of every new structure; 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 that is at least Class A. Wood roof covering is not permitted.*

When 50 percent or less of the total roof area is added or replaced within any one-year period, all 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. Wood roof covering may be used to match existing wood roof covering.

Section 15.04.220 – 15.04.230 (Reserved.)

Section 15.04.240 Amendment to Section 3401.3

Section 3401.3. is amended to read as follows:

Section 3401.3 Compliance. Alterations, repairs, additions and changes of occupancy to existing structures shall also comply with the provisions for alterations, repairs, additions and changes of occupancy in the California Fire Code, California Mechanical Code, California Plumbing Code, California Residential Code, and California Electrical Code.

SECTION 3: Chapter 15.05 of the Newport Beach Municipal Code is amended by adopting the 2010 California Residential Code as follows:

**Chapter 15.05
RESIDENTIAL CODE**

Sections:

- 15.05.010 Adoption of 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 from Chapter 1, Division II
- 15.05.050 Amendment to Table R301.2(1)
- 15.05.060 Amendment to Table R301.2(1) footnote g
- 15.05.070 Deletion of Section R309.3
- 15.05.080 (Reserved)
- 15.05.090 Deletion of Section R322
- 15.05.100 (Reserved)
- 15.05.110 Addition of Section R329
- 15.05.120 (Reserved)
- 15.05.130 (Reserved)
- 15.05.140 Deletion of Section R401.3

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 2010 Edition of the California Residential Code including Appendix H and all national codes and standards referenced therein, based on the 2009 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 2010 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

Sections R101.1 is amended to read as follows:

R101.1 Title. These provisions shall be known as the 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:

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*.

Exception: 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 shall conform to Section 903.3.1.3 of the California *Building Code*.

Section 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.

Section 15.05.050 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 ^f	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP ^g	ICE BARRIER UNDERLAYMENT REQUIRED ^h	FLOOD HAZARDS ^e	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j
	Speed ^d (mph)	Topography effects ^k		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 15.05.060 Amendment to Table R301.2(1) footnote g

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

- 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 15.05.070 Deletion of Section R309.3 Flood Hazard Areas, with the replacement of the City of Newport Beach Municipal 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 15.05.080 (Reserved.)

Section 15.05.090 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 15.05.100 (Reserved.)

Section 15.05.110 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 2010 Edition, California Building Code, Title 24, Part 2.

Section 15.05.120 (Reserved.)

Section 15.05.130 (Reserved.)

Section 15.05.140 Deletion of Section R401.3 with the replacement of the City of Newport Beach Municipal Code, Chapter 15.10 EXCAVATION AND GRADING CODE .

Section R401.3 is deleted in its entirety and replaced with the City of Newport Beach Municipal Code, Chapter 15.10 EXCAVATION AND GRADING CODE.

SECTION 4. Chapter 15.06 of the Newport Beach Municipal Code is amended to read as follows:

**Chapter 15.06
ELECTRICAL CODE**

Sections:

15.06.010 Adoption of the California Electrical Code

Section 15.06.010 Adoption of the California Electrical Code

The City Council adopts and incorporates by reference, as though set forth in full in this section, the 2010 edition of the California Electrical Code based on the 2008 National Electrical Code, including Annex A, B and C 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 2010 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 5. Chapter 15.07 of the Newport Beach Municipal Code is amended to read as follows:

Chapter 15.07
MECHANICAL CODE

Sections:

15.07.010 Adoption of California Mechanical Code

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 2010 edition of the California Mechanical Code, based on the 2009 Uniform Mechanical Code, including Appendix A 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 Mechanical Code. A copy of the 2010 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 6: Chapter 15.08 of the Newport Beach Municipal Code is amended to read as follows:

Chapter 15.08
PLUMBING CODE

Sections:

15.08.010 Adoption of California Plumbing Code.

Section 15.08.010 Adoption of the California Plumbing Code

The City Council adopts and incorporates by reference, as though set forth in full in this section, the 2010 Edition of the California Plumbing Code, including Appendix Chapters A, B, and D, based on the 2009 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 2010 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 7. Chapter 15.10 of the Newport Beach Municipal Code is amended to read as follows:

Chapter 15.10
EXCAVATION AND GRADING CODE

Sections:

- 15.10.040 Hazard Abatement. **Amended.**
- 15.10.060 Grading Permit Requirements. **Amended.**
- 15.10.140 Grading Inspections. **Amended.**

Section 15.10.040 Amendment to Section 15.10.040

Section 15.10.040 is amended to read as follows:

Section 15.10.040 Hazard Abatement. Whenever the 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 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.

Section 15.10.060 Amendment to Section 15.10.060

Section 15.10.060 is amended to read as follows:

Section 15.10.060 Grading Permit Requirements.

B. Application. The provisions of the Administrative Code are applicable to grading.

Section 15.10.140 Amendment to Section 15.10.140

Section 15.10.140 is amended to read as follows:

Section 15.10.140 Grading Inspection.

- A. General. All grading operations for which a permit is required shall be subject to inspection by the Building Official. When required by the Building Official, special inspection of grading operations and special testing shall be performed in accordance with the provisions of the Administrative Code and subsection (D) of this section. Erosion control devices shall be installed, inspected and approved by the Building Official prior to the rainy season (October fifteenth through May fifteenth).
- G. Issuance. The provisions of the Administrative Code are applicable to grading permits. The Building Official may require that grading operations and project designs be modified to provide for erosion control, including erosion protection devices, if project completion will extend into the rainy season (October fifteenth through May fifteenth) or if delays occur which incur weather-generated problems. The plans shall list specific dates for completion of erosion control measures, and further subject to the provisions of Section 15.10.170
7. Authority to Stop Work. Whenever any building work or grading is being done contrary to the provisions of this Code or approved drawings, the Building Official may order the work stopped by notice in writing, served on any persons engaged in the doing or causing of such work to be done. Any such persons shall forthwith stop such work until authorized by the Building Official to proceed with the work. The Administrative Code shall be construed to apply to grading work.

SECTION 8. Chapter 15.11 of the Newport Beach Municipal Code Sections is hereby added to read as follows:

Chapter 15.11
GREEN BUILDING STANDARDS CODE

Sections:

15.11.010 Adoption of the California Green Building Standards Code

Section 15.11.010 Adoption of the California Green Building Standards Code.

The City Council adopts and incorporates by reference, as though set forth in full in this section, the 2010 Edition of the California Green Building Standards 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 Green Standards Code. A copy of the 2010 California Green Building Standards Code printed in code book form, shall be kept on file in the office of the City Clerk.

SECTION 9. Chapter 15.13 of the Newport Beach Municipal Code Sections is hereby added to read 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 2010 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 2010 California Historical Building Code printed in code book form, shall be kept on file in the office of the City Clerk.

SECTION 10. Chapter 15.14 of the Newport Beach Municipal Code Sections is hereby added to read as follows:

Chapter 15.14
EXISTING BUILDING CODE

Sections:

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 2010 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 2010 Existing Building Code printed in code book form, shall be kept on file in the office of the City Clerk.

SECTION 11. Severability Clause. That 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 12. Publication. 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 once in the official newspaper within fifteen (15) days after its adoption.

This Ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 9th day of November, 2010, and adopted on the 23rd day of November, 2010, by the following vote, to-wit:

AYES, COUNCILMEMBERS Selich, Rosansky, Henn, Webb, Gardner, Daigle, Mayor Curry

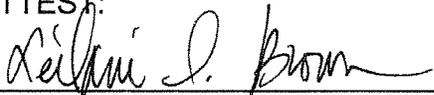
NOES, COUNCILMEMBERS None

ABSENT, COUNCILMEMBERS None



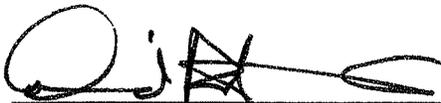
MAYOR

ATTEST:



CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY



David R. Hunt, 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. 2010-25 was duly and regularly introduced on the 9th day of November, 2010, and adopted by the City Council of said City at a regular meeting of said Council, duly and regularly held on the 23rd day of November, 2010, and that the same was so passed and adopted by the following vote, to wit:

Ayes: Selich, Rosansky, Henn, Webb, Gardner, Daigle, Mayor Curry

Noes: None

Absent: None

Abstain: None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 24th day of November, 2010.

(Seal)



Leilani I. Brown

City Clerk
City of Newport Beach, California

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. 2010-25 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 13, 2010
Adopted Ordinance: November 27, 2010

In witness whereof, I have hereunto subscribed my name this 7th day of December 2010.



Leilani I. Brown

City Clerk
City of Newport Beach, California

PROOF OF PUBLICATION

RECEIVED

2010 DEC -7 PM 12: 23

OFFICE OF THE CITY CLERK
CITY OF NEWPORT BEACH

STATE OF CALIFORNIA)
) ss.
COUNTY OF ORANGE)

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the notice published. I am a principal clerk of the NEWPORT BEACH/COSTA MESA DAILY PILOT, which was adjudged a newspaper of general circulation on September 29, 1961, case A6214, and June 11, 1963, case A24831, for the City of Costa Mesa, County of Orange, and the State of California. Attached to this Affidavit is a true and complete copy as was printed and published on the following date(s):

November 27, 2010

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Executed on December 2, 2010
at Costa Mesa, California

Sandrine gum
Signature

**CITY OF NEWPORT BEACH
PUBLIC NOTICE
ORDINANCE SUMMARY**

NOTICE IS HEREBY GIVEN that on November 23, 2010, the City Council of the City of Newport Beach, California, adopted an Ordinance entitled:
ORDINANCE NO. 2010-23
AMENDING TITLE 15 OF THE NEWPORT BEACH MUNICIPAL CODE TO ADOPT CHAPTER 1 DIVISION II OF THE 2010 CALIFORNIA BUILDING CODE; THE 2010 EDITION OF THE CALIFORNIA BUILDING CODE; THE 2010 EDITION OF THE CALIFORNIA RESIDENTIAL CODE; THE 2010 EDITION OF THE CALIFORNIA ELECTRICAL CODE; THE 2010 EDITION OF THE CALIFORNIA MECHANICAL CODE; THE 2010 EDITION OF THE CALIFORNIA PLUMBING CODE; AMENDING MUNICIPAL CODE CHAPTER 15.10 EXCAVATION AND GRADING CODE; THE 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE; THE 2010 CALIFORNIA EXISTING BUILDING CODE.

In accordance with State law, model codes published by the State Building Standards Commission in Title 24 are mandated to be enforced on January 1, 2011. The "State Building Codes" become effective on January 1st, even if no action is taken by the City. Staff recommends approval of the proposed ordinance, along with the resolution of required findings for local amendments. The list below identifies the model codes upon which the 2010 California Building Codes are based and proposed for adoption:

California Building Standards Code	Reference Model Code
2010 California Building Code	2009 International Building Code (ICC)
2010 California Residential Code	2009 International Residential Code (IRC)
2010 California Electrical Code	2008 National Electrical Code (NFPA)
2010 California Mechanical Code	2009 Uniform Mechanical Code (UPMC)
2010 California Plumbing Code	2009 Uniform Plumbing Code (UPMCO)
2010 California Green Building State Title 24 Standards Code (Cal Green)	
2010 California Historical Building Code State Title 24	
2010 California Existing Building Code State Title 24	

This Ordinance was adopted by the City Council of the City of Newport Beach, California, at a regular meeting thereof on the 23rd day of November, 2010, by the following vote:
 AYES: Seich, Rosansky, Webb, Gardner, Daigle, Henn, Mayor Curry
 NOES: None
 ABSENT: None
 ABSTAIN: None
 Dated this 24th day of November, 2010.

Leslani I. Brown, City Clerk
 City of Newport Beach
 Published Newport Beach/Costa Mesa Daily Pilot November 27, 2010 Sa651

RESOLUTION NO. 2011-9

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 AND THE CALIFORNIA RESIDENTIAL 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 2010 California Building Code based on the 2009 International Building Code of the International Code Council, the 2010 California Residential Code based on the 2009 International Residential Code, the 2010 California Green Building Standards Code, the 2010 California Plumbing Code based on the 2009 Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials, the 2010 California Mechanical Code based on the 2009 Uniform Mechanical Code of the International Association of Plumbing and Mechanical Officials, and the 2010 California Electrical Code based on the 2008 National Electrical Code of the National Fire Protection Association (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 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 2010 Editions of the California Building Code and to the 2010 California Residential Code as recommended by the Building Official are hereby found to be necessary due to local climatic, geographic or topographic conditions:

1. **Newport Beach Municipal Code Section 15.04.020 through 15.04.040, California Building Code Section 403 and 403.1.1** redefine the height of the top level in high-rise buildings from 75 ft. to 55 ft. and modify the application of special provisions for these buildings.

Applicable findings: a, b, c (findings start at Section 2)

2. **Newport Beach Municipal Code Sections 15.04.050 through 15.04.060, California Building Code Sections 403.4.7.2 and 403.4.8.1** were amended 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 15.04.070 through 15.04.120, California Building Code Chapter 7A (Materials and Construction Methods for Exterior Wildfire Exposure)** was amended 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 Sections 15.04.130, California Code Section 903.2** was amended 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 15.04.140, California Building Code Section 903.2.8** was amended consistent with California Residential Code Section R313.2 to require fire sprinkler systems in all new one- and two-family dwellings and amended to require fire sprinkler systems be installed with the construction of a significant addition and reconstruction.

Applicable findings: d, e, f (also see item #11)

6. **Newport Beach Municipal Code Sections 15.04.150, 15.04.160 and 15.04.170, California Building Code Sections 907.2.13, 907.5.2.2 and 907.6.3.2 were amended to require a fire alarm system in buildings with the highest occupied floor more than 55 ft. above Fire Department vehicle access.**

Applicable findings: a, b, c

7. **Newport Beach Municipal Code Section 15.04.180, California Building Code Section 910.3.2.2 was amended to require automatic heat vents to operate at a temperature which does not impede activation of the fire sprinkler system.**

Applicable findings: a, b, c

8. **Newport Beach Municipal Code Sections 15.04.200 and 15.04.220 amended 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

9. **Newport Beach Municipal Code Section 15.04.230, California Building Code Section 3109.4.4.2 was amended to clarify that pool safety fencing is also required for protection of the public.**

Clarification of code requirements

10. **Newport Beach Municipal Code Section 15.04.250, California Building Code Section 3401.3.1 has been added to the California Building Code to allow the use of the International Existing Building Code as an alternate standard for additions, alterations and repairs of existing structures.**

Applicable findings: g, h

11. **Newport Beach Municipal Code Section 15.05.080, California Residential Code. Section R313 was deleted and substituted by 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

12. **Newport Beach Municipal Code Section 15.05.100, California Residential Code Section R327 was deleted and substituted by California Building Code Chapter 7A for construction requirements within high fire hazard areas.**

Similar requirement in the California Building Code

13. **Newport Beach Municipal Code Section 15.05.120 added Section R330 to the California Residential Code and referenced California Building Code Section 3109.4 for pool safety requirements.**

Reference to California Building Code

14. **Newport Beach Municipal Code Section 15.05.130 California Residential Code Section R401.1 was amended 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: l, j

15. **Newport Beach Municipal Code Section 15.05.150, Section R401.4 was amended to reference Newport Beach Municipal Code Chapter 15.10 for excavation and grading requirements.**

Reference the Municipal Code

16. **Newport Beach Municipal Code Section 15.05.160, California Residential Code Section R401.4.1 was amended to give the Building Official discretion over requiring a soils report.**

Applicable findings: h, i

17. **Newport Beach Municipal Code Section 15.05.170, California Residential Code Section R403.1.3 exception was deleted which allows unreinforced concrete footings.**

Applicable findings: h, i

18. **Newport Beach Municipal Code Section 15.05.180, California Residential Code Section R405.1 exception 2 was added to not allow foundation dewatering for basement walls extending below high tide bay water elevation.**

Applicable findings: i

19. **Newport Beach Municipal Code Section 15.05.190, California Residential Code Section R602.3.2 exception was deleted which allows a single top plate on a stud wall.**

Applicable findings: h

20. **Newport Beach Municipal Code Section 15.05.200, California Residential Code Section R902 was deleted and substituted with California Building Code Section 1505.**

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

21. **Newport Beach Municipal Code Sections 15.11.010 and 15.11.020. The following California Green Building Standards Code residential and nonresidential voluntary measures have been adopted as mandatory measures: A4.210.1; A4.303.10 Tier 1 and Tier 2; A4.506.1; A5.106.2; A5.106.2.1; A5.106.2.2; A5.204.1; 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 75 ft. vertically 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. Providing high-rise building safety requirements for buildings with floors higher than 55 feet above fire truck access provides improved occupant safety.
- b. The City of Newport Beach is located in a seismically active area. The public water system would 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 to floors above the 55 ft. level. 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. There is also a need to provide increased protection for occupants on upper floors with the probability of strong aftershocks.
- 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 International 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

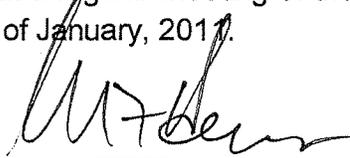
California, Department of Conservation. There was also an earthquake in December 1989, with the epicenter located near the City of Irvine. The fault on which this quake occurred was unknown prior to this activity. The City of Newport Beach contains hilly areas subject to landslides and coastal areas 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 (Section 17958.7 H & S Code).

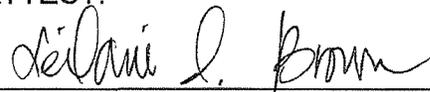
SECTION 4: The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within fifteen (15) days after its adoption.

SECTION 5: This resolution was adopted at a regular meeting of the City Council of the City of Newport Beach held on the 11th day of January, 2011.



MAYOR

ATTEST:


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. 2011-9 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 11th day of January, 2011 , and that the same was so passed and adopted by the following vote, to wit:

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

Noes: None

Absent: None

Abstain: None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 12th day of January, 2011.

Leilani I. Brown

City Clerk
Newport Beach, California

(Seal)



RESOLUTION NO. 2010-127

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 AND THE CALIFORNIA RESIDENTIAL 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 2010 California Building Code based on the 2009 International Building Code of the International Code Council, the 2010 California Residential Code based on the 2009 International Residential Code, the 2010 California Green Building Standards Code, the 2010 California Plumbing Code based on the 2009 Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials, the 2010 California Mechanical Code based on the 2009 Uniform Mechanical Code of the International Association of Plumbing and Mechanical Officials, and the 2010 California Electrical Code based on the 2008 National Electrical Code of the National Fire Protection Association (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 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 2010 Editions of the California Building Code and to the 2010 California Residential Code as recommended by the Building Official are hereby found to be necessary due to local climatic, geographic or topographic conditions:

1. **Newport Beach Municipal Code 15.04.020 and 15.04.040, California Building Code Section 403 and 403.1.1** redefine the height of the top level in high-rise buildings from 75 ft. to 40 ft. and modify the application of special provisions for these buildings.

Applicable findings: a, b, c (findings start at Section 2)

2. **Newport Beach Municipal Code 15.04.030, California Building Code Section 403.1** limits the high-rise building requirements to fire sprinkler and fire alarm only for structures with the top level between 40 ft. and 55 ft. high.

Applicable findings: a, b, c

3. **Newport Beach Municipal Code Sections 15.04.050 through 15.04.060, California Building Code Sections 403.4.7.2 and 403.4.8.1** were amended 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 through h

4. **Newport Beach Municipal Code Sections 15.04.070 through 15.04.120, California Building Code Chapter 7A (Materials and Construction Methods for Exterior Wildfire Exposure) was amended to provide fire-resistive construction requirements on parcels adjacent to very high-fire hazard severity zones within the City of Newport Beach. These amendments provide fire protection requirements which are equal to those previously adopted into Chapter 7A of the 2007 California Building Code.**

Applicable findings: d, e, f, g, h

5. **Newport Beach Municipal Code Sections 15.04.130, California Code Section 903.2 was amended 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 significant additions to existing structures that will increase the area to more than 5,000 square ft.**

Applicable findings: a, c, d, e, f, g, h

6. **Newport Beach Municipal Code Section 15.04.140, California Building Code Section 903.2.8 was amended consistent with California Residential Code Section R313.2 to require fire sprinkler systems in all new one- and two-family dwellings and amended to require fire sprinkler systems be installed with the construction of a significant addition and reconstruction.**

Applicable findings: a, c through h

7. **Newport Beach Municipal Code Sections 15.04.150, 15.04.160 and 15.04.170, California Building Code Sections 907.2.13, 907.5.2.2 and 907.6.3.2 were amended to require a fire alarm system in buildings with the highest occupied floor more than 40 ft. above Fire Department vehicle access.**

Applicable findings: a, b, c

8. **Newport Beach Municipal Code Section 15.04.180, California Building Code Section 910.3.2.2 was amended to require automatic heat vents to operate at a temperature which does not impede activation of the fire sprinkler system.**

Applicable findings: a, b, c

9. **Newport Beach Municipal Code Sections 15.04.190 through 15.04.220 amended sections of Chapter 15 of the California Building Code to provide Class A roof cover within high-fire hazard areas and prohibit the use of wood roof cover. It also requires Class A roof cover or assembly and it allows use of wood roof cover in non-fire hazard areas.**

Applicable findings: c through h

10. **Newport Beach Municipal Code Section 15.04.230, California Building Code Section 3109.4.4.2 was amended to clarify that pool safety fencing is also required for protection of the public.**

Clarification of code requirements

11. **Newport Beach Municipal Code Section 15.04.250, California Building Code Section 3401.3.1 has been added to the California Building Code to allow the use of the International Existing Building Code as an alternate standard for additions, alterations and repairs of existing structures.**

Applicable findings: i, k

12. **Newport Beach Municipal Code Sections 15.05.030 and 15.05.080, California Residential Code Sections R101.2, exception was amended and Section R313 was deleted and substituted by amended California Building Code Section 903.2.8 for fire sprinkler requirement in one- and two-family dwellings.**

Applicable findings: c through h

13. **Newport Beach Municipal Code Sections 15.05.050, 15.05.070, 15.05.090 and 15.05.090, California Residential Code Table R301.2(1) was filled out and footnote (g) was amended to reference the flood insurance rate maps applicable to Newport Beach. Also, California Residential Code Sections 309.3, R313 and R322 were deleted and replaced by previously adopted Newport Beach Municipal Code Chapter 15.50 titled Flood Plain Management.**

Applicable findings: j

14. **Newport Beach Municipal Code Section 15.05.100, California Residential Code Section R327 was deleted and substituted by California Building Code Chapter 7A for construction requirements within high-fire hazard areas.**

Applicable findings: d, e, f, g, h

15. **Newport Beach Municipal Code Section 15.05.110, Section R329 was added to the California Residential Code to reference Section 1207 of the California Building Code for sound transmission standards.**

Reference to California Building Code

16. **Newport Beach Municipal Code Section 15.05.120 added Section R330 to the California Residential Code and referenced California Building Code Section 3109.4 for pool safety requirements.**

Reference to California Building Code

17. **Newport Beach Municipal Code Section 15.05.130 California Residential Code Section R401.1 was amended 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: j, k

18. **Municipal Code Sections 15.05.140 and 15.05.150 California Residential Code Section R401.3 was deleted and Section R401.4 was amended to reference Newport Beach Municipal Code Chapter 15.10 for excavation and grading requirements.**

Reference the Municipal Code

19. **Newport Beach Municipal Code Section 15.05.160, California Residential Code Section R401.4.1 was amended to give the Building Official discretion over requiring a soils report.**

Applicable findings: k

20. **Newport Beach Municipal Code Section 15.05.170, California Residential Code Section R403.1.3 exception which allows unreinforced concrete footings was deleted.**

Applicable findings: k

21. **Newport Beach Municipal Code Section 15.05.180, California Residential Code Section R405.1 exception 2 was added not to allow foundation dewatering for basement walls extending below high tide bay water elevation.**

Applicable findings: l

22. **Newport Beach Municipal Code Section 15.05.190, California Residential Code Section R602.3.2 exception which allows a single top plate on a stud wall was deleted.**

Applicable findings: k

23. **Newport Beach Municipal Code Section 15.05.200, California Residential Code Section R902 was deleted and substituted with California Building Code Section 1505.**

Applicable findings: c through h

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 rapid response. Obstacles generated by a strong wind, such as fallen trees, street lights and utility poles, and the requirement to climb 75 ft. vertically 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 makes use of aerial type fire fighting apparatus above this height puts rescue personnel at increased risk of injury.
- b. The City of Newport Beach 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 tall buildings vulnerable to uncontrolled fires due to a

lack of available water and an inability to pump sufficient quantities of available water to floors above the 40 ft. level. 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. With the probability of strong aftershocks there exists a need to provide increased protection for anyone on upper floors.

- 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) requirement for a given structure.
- d. Many areas of Newport Beach have significant growths of vegetation of a highly combustible nature.
- e. The City of Newport Beach, especially the foothill areas, is geographically located in an area periodically subject to 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.
- f. The City of Newport Beach, especially the foothill areas, is located within an area subject to high temperatures, in conjunction with high Santa Ana winds.
- g. 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.
- h. 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 untreated wood shakes and shingle.

- i. 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 International Existing Building Code provides a reasonable performance standard for strengthening and repair of structures. FEMA requires adoption of performance standard for the repair of damaged structures as a condition of financial assistance after disasters.
- j. The City of Newport Beach 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 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. 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 landslide and coastal areas subject to liquefaction.

- I. The City of Newport Beach has coastal and bay front areas with sandy soils and shallow water table at the same elevation as bay water elevation which fluctuates with the tide.

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 (Section 17958.7 H & S Code).

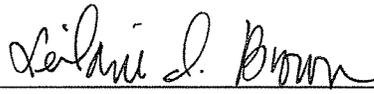
SECTION 4: The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within fifteen (15) days after its adoption.

Adopted this 23rd day of November, 2010.



MAYOR

ATTEST:



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. 2010-127 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 23rd day of November, 2010, and that the same was so passed and adopted by the following vote, to wit:

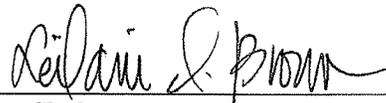
Ayes: Selich, Rosansky, Henn, Webb, Gardner, Daigle, Mayor Curry

Noes: None

Absent: None

Abstain: None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 24th day of November, 2010.



City Clerk
Newport Beach, California

(Seal)



BUILDING STANDARDS COMMISSION

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



January 3, 2011

Mr. Ron Gamble, Fire Marshal
City of Newport Beach Fire Dept.
P.O.Box 768, 3300 Newport Blvd.
Newport Beach, California 92658-8915

Dear Mr. Ron Gamble:

This letter is to acknowledge receipt on December 20, 2010 of the City of Newport Beach Fire Dept. submittal pertaining to Ordinance No. 2010-24 with findings and is acceptable for filing. Per Health and Safety Code Section 17958.8 no modification or change to the California Building Standards Code shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission (the Commission).

This letter attests only to the filing of these local modifications with the Commission, which is not authorized by law to determine the merit of the filing.

As a reminder, local modifications 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. In addition, should you receive Fire Protection District ordinances for ratification, it is required to submit the ratified ordinances to the Department of Housing and Community Development [H&SC Section 13869.7(c)], attention State Housing Law Program Manager, rather than the Commission.

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 that reads "Enrique M. Rodriguez".

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings



NEWPORT BEACH FIRE DEPARTMENT

P.O. Box 1768, 3300 Newport Blvd., Newport Beach, CA 92658-8915

December 16, 2010

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

RE: City of Newport Beach Local Amendments to the 2010 California Fire Code

To Whom It May Concern:

At its December 6th, 2010 City Council meeting, the Newport Beach City Council passed Ordinance No. 2010-24 which adopted and amended the California Fire Code. The ordinance contained the following express findings with regard to the locally adopted amendments:

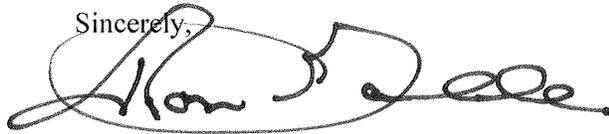
- A. The City of Newport Beach is located in an area subject to a climatic condition of high winds. This environment is conducive to rapidly spreading fires; control of such fires requires rapid response. Obstacles generated by a strong wind, such as fallen trees, streetlights and utility poles, may greatly impact the response time to reach an incident scene.
- B. The City of Newport Beach is located in the middle of the seismically active area identified as Seismic Zone 4. The viability of the public water system would be questionable at best 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 to floors in a fire. 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. With the probability of strong aftershocks there exists a need to provide increased protection for anyone on upper floors of buildings.
- C. Due to the topographical conditions of sprawling development separated by waterways and narrow and congested streets and the expected infrastructure damage inherent in seismic zone described above, 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. The City of Newport Beach has several areas with significant growth of wildland vegetation of a highly combustible nature that could threaten structures and the surrounding community. That threat combined with the potential for high winds described above warrant additional construction requirements for specific areas that have increased danger should a fire occur.

Enclosed, please find the following documents:

- Ordinance 2010-24 passed on December 6th, 2010 by the Newport Beach City Council, signed by the mayor and certified by the city clerk. The ordinance contains the express findings of the Council with regard to local climatic, geological and topographical conditions as well as a complete set of the adopted amendments.
- The summary of the local amendments with reference to the express findings made by the city council, where applicable.

Please contact me at 949-644-3353, or by email at rgamble@nbfd.net if you have any questions regarding this submittal.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Gamble", written over a horizontal line.

Ron Gamble
Fire Marshal

Enc: (2) Local Ordinance
Summary of Proposed Amendments

SUMMARY OF PROPOSED AMENDMENTS

NBMC Section	CFC Section	Title	Action	Comments
9.04.010		Adoption of the 2010 California Fire Code and the 2009 International Fire Code	New	
9.04.020	104.1.1	Scope	Existing	Grants authority to the fire code official over all land and occupancies.
9.04.020	105.1.1	Compliance	Existing	States that permit fees shall be established by City Council Resolution.
9.04.020	105.5.1	Permits	New	States that permits may be revoked if activity is found to be non-compliant.
9.04.020	107.6.1	Occupant count	Existing	Requires operators of places of assembly to keep an accurate count of people within their facility.
9.04.020	111.4	Failure to comply	New	Establishes fees for work continuing after a stop work order was issued.
9.04.030	202	Definitions	<i>Revises existing</i>	Alters the State definition of a high rise building from 75' down to 55'. Also takes into account buildings more than 55' below grade. Defines Cul-de-Sac.
9.04.040	305.6	Clearance of brush or vegetation growth from roadways	Revises existing	Relocated from Sections 318-330. (Requires a 10' clearance on each side of highways and private streets.)
9.04.040	305.7	Notification and abatement procedures	Revises existing	Relocated from Sections 318-330. (Establishes 30-day and 15-day notices for abatement notification and costs for non-compliance.)
9.04.040	307.1.1	Prohibited open burning, recreational fires.	Existing	Prohibits these fires when atmospheric conditions make such fires hazardous or fire conditions are offensive.
9.04.040	307.4.2.1	Beach, camp, and recreational fires	Existing	Requires fires on beaches and in parks to be in provided fire rings.
9.04.040	318	Geological surveys	Existing	Section number changed
9.04.050	503.1.1; 503.2.1; 503.2.4; 503.2.5; 503.2.7	Buildings and facilities	Existing	Establishes minimum widths and vertical clearance. Establishes minimum turning radius. Requires a cul-de-sac for dead ends greater than 150' in length. Establishes a maximum grade.
9.04.050	503.6; 503.6.1	Entrance gates/chains; Vehicle access gates	Existing	Establishes minimum opening width. Requires an approved remote opening device.
9.04.050	503.7	Speed bumps	Existing	Speed bumps are prohibited. Slow down emergency access and are dangerous to patient stabilization during EMS transport.
9.04.050	503.8	Obstructions	Existing	Describes Traffic calming measures. Incorporates City's traffic calming policy.
9.04.050	505.1	Premises identification	Existing	Requires street numbers to be displayed. Sets size for residential and commercial properties.
9.04.050	506.1.2	Key box contents	Existing	Requires key box on the property to enable Fire Department access.

SUMMARY OF PROPOSED AMENDMENTS

NBMC Section	CFC Section	Title	Action	Comments
9.04.050	510.1	Emergency responder radio coverage	New	Requires specific buildings and structures to comply with the NBFD Guideline.
9.04.050	511	Building Information	Existing	Requires building information to be kept on the premises for special hazard buildings.
9.04.060	604.2.15.2.2	Emergency power outlets	<i>Revises existing</i>	Section renumbered and removed reference to outlets being red in color.
9.04.060	610	Breathing air replenishment systems (BARS)	<i>Revises existing</i>	Requires a built in air replenishment system for firefighter use in all new high rise buildings, including buildings built 55 feet or more below grade.
9.04.070	903.2	Where required	<i>Revises existing</i>	Establishes thresholds for the addition of fire sprinkler systems in new buildings and when the size of an existing building is increased.
9.04.070	903.2.11.3	Building 40 feet or more in height	<i>Revises existing</i>	Section is renumbered (requires fire sprinklers in all buildings 40' or more in height.)
9.04.070	903.3.1.2.2	Alarms	Existing	Sets standards for alarm notification for occupants and alarm monitoring companies. Establishes a minimum volume for the notification devices within buildings.
9.04.070	903.3.1.2.3	Permissible omissions	Existing	Allow for the omission of sprinkler heads in areas not used for living spaces or storage.
9.04.070	903.3.1.3.1	Valves	Existing	States sprinkler systems shall not have their own control valve.
9.04.070	903.3.1.3.2	Exterior and interior alarms	Existing	Provides for interior and exterior notification of fire sprinkler activation.
9.04.070	903.3.1.4	System design	Existing	Requires fire sprinkler systems to be designed in accordance with NBFD guidelines.
9.04.070	907.1.6	System design	Existing	Establishes design criteria for alarm systems.
9.04.070	907.2.13	High-rise buildings	<i>Revises existing</i>	Requires fire alarm systems in buildings 55' or greater in height or 55' or more below grade.
9.04.070	907.2.19	Deep underground buildings	Deleted	Due to the revision of the high-rise definition and to reduce redundancy, this section was deleted.
9.04.070	907.4.5	Door release service	Existing	Requires a door holder to be connected to the fire alarm system that will release the door if the alarm is activated. Creates a means for shop owners to safely hold their fire doors open.
9.04.070	912.1.1	Configuration	Existing	Establishes the number of inlets required for the fire department connection to the fire sprinkler system.
9.04.070	912.2	Location	Existing	Establishes criteria for the location of a fire hydrant near a fire department connection.
9.04.080	2703.12	Outdoor control areas	Existing	Requires security for the outdoor storage of hazardous materials.
9.04.080	2704.1.1	Maximum quantity on site	Existing	Prohibits the storage or use of extremely hazardous substances beyond Federal thresholds in or near residential areas.

SUMMARY OF PROPOSED AMENDMENTS

NBMC Section	CFC Section	Title	Action	Comments
9.04.090	3301	Scope	Existing	Prohibits fire works in Newport Beach. Requires a fire department permit for the use and storage of fireworks in Newport Beach.
9.04.090	3310 and 3311	Fireworks and Storage of Explosives and Blasting Agents	<i>Revises existing</i>	Sections were renumbered. Electronically fired shows was added, no manually fired shows permitted.
9.04.100	3404.2.11.2	Location	Existing	Prohibits the underground storage of flammable liquids in residential areas.
9.04.100	3406.4	Bulk plants and terminals	Existing	Prohibits flammable and combustible liquid bulk plants and terminals within Newport Beach.
9.04.110	Chapter 45	Marinas	<i>Revises existing</i>	Appendix M Marinas was moved to Chapter 45. Amendments listed below remain the same, just renumbered and relocated.
9.04.110	4502.1	Definitions	Existing	Defines "Dock". Most other parts of the country call a dock a "Float".
9.04.110	4503.6.1	Multiple berthing and vessel rafting	Existing	Prohibits multiple berthing. Allows boat owners to tie a tender or dinghy to the boats stern under certain conditions.
9.04.110	4503.6.2	Permitted multiple berthing	Existing	Establishes conditions under which a permit can be issued for multiple berthing.
9.04.110	4504.1	General	Existing	States that the requirement for fire protection equipment applies to commercial and multi-family residential docks. Not single family dwellings.
9.04.110	4504.2	Standpipes	Existing	Requires standpipes that can be used by both the public and firefighters.
9.04.120	Chapter 49	Requirements for Wildland-Urban Interface Fire Areas	<i>Revises existing</i>	Amendments originally located in Sections 318 through 331, now relocated to amend Chapter 49.
9.04.120	4901; 4902; 4903; 4904	Clearance of Brush from Structures; Definitions; Maintenance of Defensible Space; Maintenance of Fuel Modification Zones	Existing	Requires the maintenance of fuel modification zones when established. Authorizes the Fire Department to take action to maintain the fuel modification zone.
9.04.120	4905; 4906	Construction Requirements for Structures Adjacent to Special Fire Protection Areas; Building Construction Features	Existing	Incorporates the new State of California provisions for buildings in the urban wildland interface zone. Adds additional regulations for those buildings which abut wildland areas. Clarifies "Where Required".
9.04.120	4907	Exclusions Special Fire Protection Areas	Deleted	No longer permits the exclusion of a property from the requirements of a special fire hazard area.
9.04.120	4907	Amendments to Special Fire Protection Areas	Existing	Requires the Fire Chief to update the SFPA map every three years.
9.04.120	4908	Use of Equipment in Special Fire Protection Areas	Existing	Restricts the use of equipment that could cause a fire in wildland areas.

SUMMARY OF PROPOSED AMENDMENTS

NBMC Section	CFC Section	Title	Action	Comments
9.04.120	4909	Restricted Entry to Hazardous Fire Areas	Existing	Restricts entry into hazardous wildland areas.
9.04.120	4910	Trespassing on Posted Property	Existing	Prohibits entry into posted areas.
9.04.120	4911	Explosives and Blasting in Hazardous Fire Areas	Existing	Regulates the use of explosives and blasting agents within wildland fire areas.
9.04.120	4912	Open Flame Devices in Hazardous Fire Areas	Existing	Prohibits the use of open flame devices within wildland fire areas.
9.04.120	4913	Outdoor Fires in Hazardous Fire Areas	Existing	Regulates outdoor fires in wildland areas.
9.04.120	4914	Recreational Fires in Special Fire Protection Areas	Existing	Regulates recreation fires in wildland areas.
9.04.130	B105.2	Buildings other than one- and two- family dwellings	Existing	Reduces the credit for fire sprinklers from 75% to 50%. Removes the allowance of the credit for residential fire sprinkler systems.
9.04.140	Appendix J	Emergency Responder Radio Coverage	New	Appendix J is deleted in its entirety and addressed in Section 510.

ORDINANCE NO. 2010-24

**REPORT OF THE CITY COUNCIL OF THE CITY OF NEWPORT
BEACH ON THE URGENCY ORDINANCE AMENDING TITLE 9
OF THE NEWPORT BEACH MUNICIPAL CODE TO ADOPT THE
2010 CALIFORNIA FIRE CODE AND THE 2009
INTERNATIONAL FIRE CODE WITH LOCAL AMENDMENTS**

INTRODUCTION

The Newport Beach City Council deems this ordinance urgent in order for local amendments to be adopted commensurate with the adoption of the 2010 California Fire Codes by the State of California on January 1, 2011.

This ordinance is deemed urgent in order for local amendments to be adopted commensurate with the adoption of the 2010 California Fire Codes by the State of California on January 1, 2011. If these amendments are not adopted, the local amendments, many that date back to 1976, will not be enforced during that time period. These include prohibiting fires on the beach, prohibition or multiple berthing in the marina, and crowd control measures for public assembly occupancies greater than 49 persons. Finally most of the local amendments protecting the homes in the wildland fire hazard areas of Newport Beach will not be enforceable during possible strong Santa Ana Wind events of early 2011.

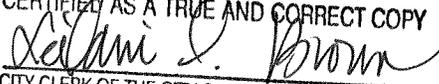
The City Council of the City of Newport Beach finds as follows:

RECITALS

WHEREAS, Health & Safety Code Section 17958 provides that ordinances and regulations adopted by the State pursuant to Health & Safety Code Section 17922 shall apply to the City of Newport Beach 180 days after publication; and

WHEREAS, The Fire Marshal of the State of California has adopted that certain fire code, entitled "2010 California Fire Code" based upon the 2009 International Fire Code published by the International Fire Code Institute, which, with certain deletions, amendments, exceptions, and additions, and including certain appendices, which apply only to those occupancies regulated by the California State Fire Marshal, has been copyrighted and published by the California Building Standards Commission; and

WHEREAS, The Newport Beach Fire Chief finds it necessary to also adopt the 2009 International Fire Code as published and copyrighted by the International Code Council to apply regulations reasonably necessary to protect the health, welfare and safety of the residents and visitors of Newport Beach in those occupancies not regulated by the California State Fire Marshal; and

CERTIFIED AS A TRUE AND CORRECT COPY

CITY CLERK OF THE CITY OF NEWPORT BEACH

DATE: 12-16-10

WHEREAS, Health and Safety Code Sections 13143.5, 17958, 18941.5 permit the City to amend, add, or repeal ordinances or regulations which impose the same requirements as are contained in the ordinances and regulations adopted by the State of California, if the City Council makes the express findings pursuant to Sections 17958.5 and 17958.7 of the Health and Safety Code; and

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

WHEREAS, the Fire Chief has recommended that changes and modifications be made to the Fire Code that are reasonably necessary due to the following local climatic, geographical, or topographical conditions:

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 rapid response. Obstacles generated by a strong wind, such as fallen trees, streetlights and utility poles, may greatly impact the response time to reach an incident scene.

The City of Newport Beach is located in the middle of the seismically active area identified as Seismic Zone 4. The viability of the public water system would be questionable at best 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 to floors in a fire. 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. With the probability of strong aftershocks there exists a need to provide increased protection for anyone on upper floors of buildings.

Due to the topographical conditions of sprawling development separated by waterways and narrow and congested streets and the expected infrastructure damage inherent in the seismic zone described above, 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.

The City of Newport Beach has several areas with significant growth of wildland vegetation of a highly combustible nature that could threaten structures and the surrounding community. That threat combined with the potential for high winds described above warrant additional construction requirements for specific areas that have increased danger should a fire occur.

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 revised and adopted to read as follows:

**Chapter 9.04
FIRE CODE**

Sections:

- 9.04.010 Adoption of the 2010 California Fire Code and the 2009 International 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 27 Hazardous Materials - General Provisions
- 9.04.090 Amendments to Chapter 33 Explosives and Fireworks
- 9.04.100 Amendments to Chapter 34 Flammable and Combustible Liquids
- 9.04.110 Amendments to Chapter 45 Marinas
- 9.04.120 Amendments to Chapter 49 Requirements for Wildland-Urban Interface Fire Areas
- 9.04.130 Amendments to Appendix B Fire-Flow Requirements for Buildings
- 9.04.140 Amendments to Appendix J Emergency Responder Radio Coverage

9.04.010 Adoption of the 2010 California Fire Code and the 2009 International Fire Code

There is hereby adopted by the City and incorporated herein by reference into this chapter, those certain codes known as the "International Fire Code, 2009 Edition and the California Fire Code 2010 Edition," and the whole thereof including Appendices B, C, E, F, G and I therein, errata issued during and after publishing date, and the accompanying International Fire Code Standards, save and except such portions as are hereinafter deleted, added or amended which shall be collectively be known as the "Fire Code." One (1) 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.

9.04.020 Amendments to Chapter 1 Scope and Administration

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 105.1.1 Permits required is amended to read as follows:

Section 105.1.1 Permit fees. Permits required by this code shall be obtained from the fire code official. Permit fees, if any, shall be paid prior to the issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire code official. Permit fees to the City shall be in an amount established by resolution of the City Council.

Section 105.5.1 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 105.6.19 Fumigation and thermal insecticidal fogging is amended by deleting **105.6.19 Fumigation and thermal insecticidal fogging.**

Section 107.6 Overcrowding is amended by adding Section 107.6.1 to read as follows:

107.6.1 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. If the fire code official determines at any time that an accurate count of occupants is not being maintained, the occupancy shall be cleared until an accurate count can be made.

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 definition of "Cul-de-Sac" and deleting the definition of "High Rise Building" and amending it to read as follows:

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

HIGH RISE BUILDING. As used in this Code:

1. "Existing high rise structure" means a high rise structure, the construction of which is commenced or completed prior to July 1, 1974.
2. "High rise structure" is any building having floors used for occupancy located more than 55 feet (16,764 mm) above or more than 55 feet below (16,764 mm) the lowest level of fire department access. Such buildings shall have fire and life safety systems required by the Building Code for high rise buildings.
3. "New high rise structure" means a high rise structure, the construction of which is commenced on or after July 1, 1974.

9.04.040 Amendments to Chapter 3 General Precautions against Fire

Section 304.1.2 Vegetation is amended by deleting Section 304.1.2 Vegetation and relocating it to Section 305.5.

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

305.6 Clearance of brush or vegetation growth from roadways. The fire code official is authorized to cause areas within 10 feet (3,048 mm) on each side of portions of highways and private streets which are improved, designed or ordinarily used for vehicular traffic to be cleared of flammable vegetation and other combustible growth. The fire code official is authorized to enter upon to do so.

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 30 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.

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 (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 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) 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 307.1.1 Prohibited open burning is amended to read as follows:

307.1.1 Prohibited open burning and recreational fires. Open burning and recreational fires and fire pits that are offensive or objectionable because of smoke or odor emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.

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 318 Geological Surveys is added to read as follows:

SECTION 318 GEOLOGICAL SURVEYS

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

318.2 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:

- A. 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;
- B. May contain or give off toxic, combustible or flammable liquids, gases, or vapors; or

9.40.050 Amendments to Chapter 5 Fire Service Features

Section 503.1.1 Buildings and facilities exception #1 is amended to read as follows:

Exception:

1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.1.

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 (6096 mm) 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 (4115 mm).

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 (12,192 mm) outside radius.

Exception: Cul-de-sacs with center obstructions will 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 150 feet (45.720 m) in length shall be provided with an approved cul-de-sac for turning around fire apparatus without backing up.

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 503.6 Security gates is amended and Section 503.6.1 is added to read as follows:

503.6 Entrance gates/chains. All emergency vehicle access gates, private gated communities, chains across fire lanes, and gates that provide access to the beach and/or wildland areas, shall have a lock approved by the Newport Beach Fire Department. Where gates are electrically operated an approved key switch and an approved remote opening device shall be installed and maintained operational at all times or locked in the open position until operational.

503.6.1 Vehicle access gates. Vehicle access gates or barriers installed across streets shall be in accordance with the Newport Beach Fire Department Guideline 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 503 Fire Apparatus Access Roads is amended by adding Sections 503.7 and 503.8 to read as follows:

503.7 Speed Bumps. Speed bumps are prohibited.

503.8. Obstructions. Any obstructions in required fire access roadways such as speed humps or other traffic calming measures, when approved by the fire code official, shall be in accordance with the Newport Beach Public Works Department's Neighborhood Traffic Management Guidelines.

Section 505.1 Address identification is amended to read as follows:

505.1 Premises identification. Approved numbers or addresses shall be placed on all new and existing buildings in such a position that is plainly visible and legible from the street or road fronting the property. Said numbers shall be of non-combustible materials, shall contrast with their background, and shall be either internally or externally illuminated to be visible at night. All multi-unit residential and commercial buildings shall have numbers or addresses placed above or immediately adjacent to all doors that would allow fire department access in an emergency situation. In no case shall the numbers be less than four inches (102 mm) in height for residential and six inches (152 mm) in height for commercial with a one inch (25 mm) stroke.

Multiple residential and commercial units having entrance doors not visible from the street or road shall, in addition, have approved numbers grouped for all units within each structure and positioned to be plainly visible from the street or road. Said numbers may be grouped on the wall of the structure or on a substantial mounting post independent of the structure. Illumination shall be provided as required by the City.

Section 506.1 Where required is amended by adding Section 506.1.2 to read as follows:

506.1.2 Key box contents. When a Key box is required it shall contain sets of keys as required by the fire code official. The following types of keys shall be provided:

- A. Keys to locked points of ingress whether on the interior or exterior of the building.
- B. Keys to locked mechanical equipment rooms.
- C. Keys to locked electrical rooms.
- D. Keys to elevator controls.
- E. Keys to other areas as directed by the fire code official.

Section 510.1 Emergency responder radio coverage in buildings is amended to read as follows:

510.1 Emergency responder radio coverage. Effective emergency responder radio coverage shall comply with the Newport Beach Fire Department guideline D.05 Public Safety Radio Coverage and apply to all of the following buildings and structures:

1. Any building or structure which has more than 3 stories above grade plane.
2. Any building or structure, regardless of the number of stories, in which any single floor space exceeds 45,000 square feet.
3. Any building or structure containing a subterranean space of 250 square feet or more. For buildings and structures three stories or less above grade plane, or less than 45,000 square feet on any single floor, only the subterranean space shall comply.
4. Any building or structure deemed likely to have diminished in-building communications due to the use of certain construction materials, window coatings, shape, location, or other factors as determined by the fire code official.

Exceptions:

1. One and two family dwellings.
2. A building or structure which supports adequate radio coverage for City emergency service workers operating on the 800 MHz Countywide Coordinated Communications System as described in the RCSC without the need for bi-directional amplification system.
3. A reconstructed building or structure in which less than 50% of the interior and/or exterior vertical structural or non-structural elements measured by wall surface area are uncovered during a contiguous 24 month period.

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 official.

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 the following locations:

- A. In the main exit corridor of each floor, adjacent to each exit enclosure.
- B. On every level in every stairwell.
- C. In each elevator lobby.
- D. In public assembly areas larger than 1,500 square feet (139.36 m²).
- E. In every fire control room.
- F. In such other areas as may be designated by the fire code official.

Chapter 6 Building Services and Systems is amended by adding Sections 610 and 611 to read as follows:

SECTION 610 BREATHING AIR REPLENISHMENT SYSTEMS (BARS)

610.1 General. Breathing air replenishment systems shall be installed in accordance with the requirements of Section 610.

610.2 Breathing air replenishment systems. All high rise buildings having floors used for human occupancy located more than 55 feet (16,764 mm) above the lowest level of fire department vehicular or personnel access (as determined by the fire code official), or located 55 feet (16,764 mm) below the level of fire department vehicular or personnel access (as determined by the fire code official) shall be equipped with an approved breathing air replenishment system for firefighters. The system shall provide an adequate pressurized fresh air supply through a permanent piping system for the replenishment of self contained breathing air carried by firefighters in the performance of their duties. The location of refill stations, installation of the system, and maintenance of BARS shall be in accordance with Newport Beach Fire Department Guideline D.02 Firefighter Breathing Air Replenishment Systems.

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 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 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. When the addition and/or reconstruction is 50% or more of the existing building area and the resulting building area exceeds 5,000 square feet (465 m²).

Section 903.2.11.3 Buildings 55 feet (16,764 mm) or more in height is amended to read as follows:

903.2.11.3 Buildings 40 (12,192 mm) feet or more in height. An automatic sprinkler system shall be installed throughout all buildings having floors used for human occupancy located more than 40 feet (12,192 mm) above the lowest occupied floor, basement floor or parking level floor, as determined by the fire code official.

Section 903.3.1.2 NFPA 13R Fire Sprinkler Systems is amended by adding Sections 903.3.1.2.2 and 903.3.1.2.3 to read as follows:

903.3.1.2.2 Alarms. Local waterflow alarms shall be provided on all sprinkler systems and shall be connected to the building fire alarm or water-flow monitoring system where provided. A minimum of one approved interior alarm device in each unit shall be provided. Sound levels in all sleeping areas shall be minimum of 15 dBA above the average ambient sound or a minimum of 75 dBA with all intervening doors closed. Alarms shall be audible within all other living areas within each dwelling unit. When not connected to a fire alarm or water-flow monitoring system, audible devices shall be powered from an uninterruptible circuit (except for over current protection) serving normally operated appliances in the residence.

There shall also be a minimum of one exterior alarm indicating device, listed for outside service and audible from the access roadway that serves that building.

903.3.1.2.3 Permissible omissions. Sprinklers may be omitted from penthouse

equipment rooms, crawl spaces, floor ceiling spaces, elevator shafts, and other concealed spaces that are not intended for living purposes or storage. Sprinklers may also be omitted from attics, which are not located over dwelling units. When attics are separated by a unit, each unit's attic space may be protected per the NBFDA amended NFPA 13D section on head locations in attics of single family homes. All other attics shall be protected per NFPA 13.

Section 903.3.1.3 NFPA 13D Fire Sprinkler Systems is amended by adding Sections 903.3.1.3.1, 903.3.1.3.2, and 903.3.1.3.3 to read as follows:

903.3.1.3.1 Valves. The sprinkler system piping shall not be provided with its own control valve.

903.3.1.3.2 Exterior and interior alarms. Exterior alarm indicating device shall be listed for outside service and audible from the street from which the house is addressed. Exterior audible devices shall be placed on the front or side of the structure and the location subject to final approval by the fire code official.

Additional interior alarm devices shall be required to provide audibility throughout the structure. Sound levels in all sleeping areas with all intervening doors closed shall be a minimum of 15 dBA above the average ambient sound level but not less than 75 dBA.

Audible devices shall be powered from an uninterruptible circuit (except for over-current protection) serving normally operated appliances in the residence.

Exceptions:

- A. When an approved water flow monitoring system is installed, interior audible devices may be powered through the CSFM listed fire alarm control panel.
- B. When smoke detectors specified under CBC are used to sound an alarm upon waterflow switch activation.

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

903.3.1.4 System design. Shall be in accordance with Newport Beach Fire Department Guideline 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, the indicating light shall be located at a location designated by the fire code official.

Section 907.2.2 Group B is amended to read as follows:

Section 907.2.13 High-rise buildings and Group I-2 occupancies having occupied floors located more than 75 feet (22,860 mm) above the lowest level of fire department vehicle access is amended to read as follows:

907.2.13 High-rise buildings. All occupancies having floors used for human occupancy located more than 55 feet (16,764 mm) above or more than 55 feet (12,192 mm) below the lowest level of fire department vehicle access as determined by the fire code official, shall be provided with an automatic fire alarm system and a communication system in accordance with 907.2.13.2. All fire protection devices shall be connected to, and operate with the main building fire alarm panel. No building shall have more than one fire alarm panel.

Exceptions:

1. Airport traffic control towers in accordance with Sections 412 and 907.2.22 of the California Building Code.
2. Open parking garages in accordance with Section 406.3 of the California Building Code.
3. Buildings with an occupancy in Group A-5 in accordance with Section 303.1 of the California Building Code.
4. Low-hazard special occupancies in accordance with Section 503.1.1 of the California Building Code.
5. In Groups I-2 and R-2.1 occupancies, the alarm shall sound at a constantly attended location and general occupant notification shall be broadcast by the emergency voice/alarm communication system.

Section 907.2.19 deep underground buildings is deleted in its entirety.

Section 907.4 Fire safety functions is amended by adding section 907.4.5 to read as follows:

907.4.5 Door release service. All doors within interior service corridors of commercial occupancies shall be equipped with automatic closing devices released by smoke detectors or smoke detection systems.

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

912.1.1 Configuration. The fire department connection shall contain a minimum of two- 2 ½" inlets. The location shall be approved and be no more than 150 feet (45.72 m) from a public hydrant. 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.

Exceptions:

- A. When the sprinkler density design is 500 gpm (including the interior hose stream demand) or greater, or a standpipe system is included, four 2 ½" inlets shall be provided.
- B. The fire department connection may be located within 150 feet (45.72m) of a private hydrant providing the fire department connection pipe is connected to the fire sprinkler system by a stand-alone pipe that connects down-stream of the sprinkler system check valve.

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. When possible, the fire department connection shall be located 30 feet (9.14 m) minimum from beginning of radius for driveway approach.

9.04.080 Amendments to Chapter 27 Hazardous Materials – General Provisions

Section 2703.12 Outdoor Control Areas is amended by adding item #5 to read as follows:

- 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 2704.1 Scope is amended by adding Section 2704.1.1 to read as follows:

2704.1.1 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.

9.04.090 Amendments to Chapter 33 Explosives and Fireworks

Section 3301.1 Scope is amended and Sections 3310 and 3311 are added to read as

follows:

3301.1 Scope. Manufacture, possession, storage, sale, transportation and use of explosive materials shall be in accordance with Chapter 33. 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 3310 FIREWORKS

3310.1 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.

3310.2 Seizure of fireworks. The fire code official 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 3311 STORAGE OF EXPLOSIVES AND BLASTING AGENTS

3311.1 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.

9.04.100 Amendments to Chapter 34 Flammable and Combustible Liquids

Section 3404.2.11.2 is amended by adding #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 3406.4 Bulk plants or terminals is amended to read as follows:

3406.4 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 3406.4.1 through 3406.4.10.4.

9.04.110 Amendments to Chapter 45 Marinas

Section 4502.1 Definitions is amended by adding the definition of "Dock" to read as follows:

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.

Section 4503.6 Berthing and storage is amended and Sections 4503.6.1 and 4503.6.2 are added to read as follows:

4503.6 Berthing and storage. Berthing and storage shall be in accordance with Chapter 7 of NFPA 303 and this section.

4503.6.1 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 vessels stern.

4503.6.2 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.
 - b. Who 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 Guideline A.10 Multiple Berthing and/or Rafting at Special Events.

Section 4504.1 General is amended to read as follows:

4504.1 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 4504.2 through 4504.6.

Section 4504.2 Standpipes is amended to read as follows:

4504.2 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 Guideline F.01. Marinas, Wharfs, and Piers.

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

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

SECTION 4901 CLEARANCE OF BRUSH FROM STRUCTURES

4901.1 General. Each person or entity who owns, leases, controls, operates, or maintains any parcel of land within or adjacent to a designated Special Fire Protection Area(s) or Very High Fire Hazard Severity Zone shall comply with the requirements of Chapter 49 to maintain a defensible space to protect structures within Special Fire Protection Area(s).

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 parcels of land within the City of Newport Beach Special Fire Protection Areas, which directly abut wildland space or a designated fuel modification zone on one or more sides.

SECTION 4902 DEFINITIONS

4902.1 Definitions

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

SECTION 4903 MAINTENANCE OF DEFENSIBLE SPACE

4903.1 Trees. All trees located within 100 feet (30.48 m) of any portion of a structure shall comply with the following guidelines:

(For Fuel Modification Zones: all trees located between a structure and the edge of the "A" Zone proximal to the structure.)

Existing trees are not required to have a separation of tree canopies but shall be maintained free of all dead or dying foliage.

The selection of any new trees shall be made from the fire resistive plant list, and the trees shall be planted such that mature canopies shall have a minimum separation of ten feet (3.048 m). For the purposes of this document branch tip to branch tip is synonymous with the term canopy to canopy.

Trees shall be maintained free of dead wood and foliage, and all dead trees shall be removed.

Where shrubs and bushes located within the drip line of a tree, the lowest tree branch shall be at least three times as high as the shrub and/or bush. This process will remove the potential for fires to spread from lower shrubs and bushes to higher trees and structures.

Trees extending to within five feet of any structure shall be pruned to maintain a minimum clearance of five feet.

4903.2 Shrubs and bushes. All shrubs and bushes located within 100 feet (30.48 m) of any portion of a building shall comply with the following guidelines:
(For Fuel Modification Zones: All shrubs and bushes located between a structure and the edge of the "A" Zone proximal to the structure.)

All dead and dying growth shall be removed from shrubs and bushes.

All shrubs and bushes not on the fire resistive plant list shall have a minimum separation of ten feet apart branch tip to branch tip.

One to three shrubs and bushes together in a small group can be considered a single bush if properly maintained.

All shrubs and bushes that are listed on the fire resistive plant list need not be separated if properly maintained as determined by the fire code official.

For the purpose of firefighter entrance and egress, a minimum of three feet of access shall be provided along both sides of any structure.

4903.3 Ground cover. All ground cover located within 100 feet (30.48 m) of any portion of a structure shall comply with the following guidelines:

(For Fuel Modification Zones: All ground cover located between a structure and the edge of the "A" Zone proximal to the structure.)

Ground cover that is properly planted, irrigated, and maintained is permitted within the defensible space.

Non-planted areas may be covered with a maximum of five inches (127 mm) of chipped biomass or its equivalent.

All ground cover that is either dead and/or dying shall be removed.

4903.4 Firewood. Firewood and combustible material for consumption on the premises shall not be stored in unenclosed spaces beneath buildings or structures, on decks or under eaves, canopies of other projections or overhangs. Storage of firewood and combustible material in the defensible space shall be located a minimum of 15 feet (4.57 m) from any structure and separated from the drip lines of trees and shrubs by a minimum of 15 feet (4.57 m).

4903.5 Roofs. All roofs of structures in designated wildland fire hazard areas shall comply with the following guidelines:

Leaves, needles, twigs, and other combustible matter shall be removed from roofs and rain gutters.

Any portion of any tree, bush or shrub, which is located within ten feet of the outlet of a chimney, shall be removed.

All chimneys attached to any appliance or fireplace that burns solid fuel shall be equipped with an approved spark arrester constructed in accordance with the California Building Code.

Nothing contained in this section shall be deemed to preclude the fire code official from requiring more than the minimum specific requirements set forth above when the fire code official determines that conditions exist, which necessitate greater fire protection measures.

SECTION 4904 MAINTENANCE OF FUEL MODIFICATION ZONES

4904.1 General. All elements of the fuel modification plan shall be maintained in accordance with the approved plan. Fuel modification zones not in compliance with their fuel modification plan constitute a fire hazard.

SECTION 4905 CONSTRUCTION REQUIREMENTS FOR STRUCTURES ADJACENT TO SPECIAL FIRE PROTECTION AREAS

4905.1 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, re-construction and additions to structures located on parcels of land adjacent to the City of Newport Beach Special Fire Protection Areas, which directly abut wildland space or a designated fuel modification zone on one or more sides shall be built in accordance with the regulations found in Section 4905 of this code.

4905.2 Definitions. For the purpose of this section, certain terms are defined as follows:

EXPOSED SIDE: The exposed side of the structure is defined as the exterior wall or walls which face adjoining wildland space or a designated fuel modification zone.

RECONSTRUCTION: Any building undergoing construction within any 2-year period, in which the floor area of reconstruction is 50 percent or more prior to the submittal of a building permit application, shall comply with the Building and Fire Code provisions for new construction.

SPECIAL FIRE PROTECTION AREA: Any geographical area, designated by the Fire Chief, in which structures directly abut wildland space or a fuel modification zone on one or more sides. Special Fire Protection Areas include, but are not limited to, Very High Fire Hazard Severity Zones.

UNENCLOSED STRUCTURE: Includes structures with a roof and no more than one side enclosed.

VERY HIGH FIRE HAZARD SEVERITY ZONE: A geographical area designated in accordance with the California Government Code, Section 51178, which contains the type and condition of vegetation, topography weather and structure density which potentially increases the possibility of wildland conflagration fires.

4905.3 Authority. The Fire Chief shall have the authority to designate all Special Fire Protection Areas.

4905.4 Fuel Modification Requirements for New Construction. All new and reconstructed structures located on parcels of land adjacent to the City of Newport Beach Special Fire Protection Area, which directly abut wildland space or a designated Fuel Modification Zone on one or more sides shall comply with this section.

4905.4.1 Plans. Fuel modification plans shall be submitted to and approved by the fire code official prior to the issuance of a grading permit. The plans shall be developed using the criteria set forth in the Newport

Beach Fire Department Fuel Modification Plan Guidelines for Wildland Fire Hazard Areas.

4905.4.2 Maintenance. All elements of the approved fuel modification plan shall be maintained in accordance with the approved plan.

4905.4.3 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.

4905.5 Issuance of grading or building permits. No grading permit or building permit shall be issued for new and reconstructed structures prior to the submittal and approval by the Fire Department of preliminary fuel modification plans as required by this section.

4905.6 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.

SECTION 4906 BUILDING CONSTRUCTION FEATURES

4906.1 Proximity to property lines. New and reconstructed structures shall be not less than five feet (1524 mm) from an adjacent property line.

Exception: Exterior walls with no openings facing adjoining property are exempt from the requirements of this section provided the exterior side of the wall is constructed of ignition resistant material, one hour fire resistant, or heavy timber construction.

SECTION 4907 SPECIAL FIRE PROTECTION AREAS/VERY HIGH FIRE HAZARD SEVERITY ZONE MAP

4907.1 Map. The Fire Chief shall cause an official map of the Special Fire Protection Area/Very High Fire Hazard Severity Zones to be prepared. The map shall be reviewed and updated on a three-year basis or more frequently as deemed necessary. When a property is excluded from a Special Fire Protection Area/Very High Fire Hazard Severity Zone or added to a Special Fire Protection Area/Very High Fire Hazard Severity Zone, the Fire Chief shall cause the Special Fire Protection Area/Very High Fire Hazard Severity Zone map to be amended to reflect such exclusion or addition.

SECTION 4908 USE OF EQUIPMENT IN SPECIAL FIRE PROTECTION AREAS

4908.1 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 any hazardous fire area any internal combustion engine which uses hydrocarbon fuels, unless the engine is equipped with a spark arrestor as defined in Section 4909.3 of the Fire Code maintained in effective working order, or the engine is constructed, equipped and maintained for the prevention of fire pursuant to Section 4909.4 of the Fire Code.

4908.2 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.

4908.3 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.

4908.4 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 4909 RESTRICTED ENTRY TO HAZARDOUS FIRE AREAS

4909.1 General. The Fire Chief shall determine and publicly announce when hazardous fire areas shall be closed to entry and when such areas shall again be opened to entry. Entry on and occupation of hazardous fire areas, except public roadways, inhabited areas or established trails and camp sites which have not been closed during such time when the hazardous fire area is closed to entry, is prohibited.

Exceptions:

- A. Residents and owners of private property within hazardous fire areas and their invitees and guests going to or being upon their lands.
- B. Entry in the course of duty by peace or police officers, and other duly authorized public officers, members of a fire department, and members

of the United States Forest Service.

SECTION 4910 TRESPASSING ON POSTED PROPERTY

4910.1 General. When the fire code official determines that a specific area within a hazardous fire area presents an exceptional and continuing fire danger because of the density of natural growth, difficulty of terrain, proximity to structures or accessibility to the public, such areas shall be closed until changed conditions warrant termination of closure. Such areas shall be posted as hereinafter provided.

4910.2 Signs. Approved signs prohibiting entry by unauthorized persons and referring to applicable fire code chapters shall be placed on every closed area.

4910.3 Trespassing. Entering and remaining within areas closed and posted is prohibited.

Exception: Owners and occupiers of private or public property within closed and posted areas, their guests or invitees, and local, state and federal public officers and their authorized agents acting in the course of duty.

SECTION 4911 EXPLOSIVES AND BLASTING IN HAZARDOUS FIRE AREAS

4911.1 General. Explosives shall not be possessed, kept, stored, sold, offered for sale, given away, used, discharged, transported or disposed of within hazardous fire areas except by permit from the fire code official.

SECTION 4912 OPEN FLAME DEVICES IN HAZARDOUS FIRE AREAS

4912.1 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 hazardous fire areas, except by permit from the fire code official.

Exception: Use within habited premises or designated campsites which are a minimum of 30 feet (9144 mm) from grass-, grain-, brush-, or forest-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 hazardous fire areas.

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

SECTION 4913 OUTDOOR FIRES IN HAZARDOUS FIRE AREAS

4913.1 General. Outdoor fires shall not be built, ignited or maintained in or upon

hazardous fire areas, except by permit from the fire code official.

Exception: Outdoor fires within habited premises 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 (9144 mm) from a grass-, grain-, brush- or forest-covered area.

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 hazardous fire areas under the following conditions:

- A. When high winds are blowing,
- B. When a person age 18 or over is not present at all times to watch and tend such fire, or
- C. When public announcement is made that open burning is prohibited.

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

SECTION 4914 RECREATIONAL FIRES IN SPECIAL FIRE PROTECTION AREAS

4914.1 General. Recreational fires shall not be built, installed, or maintained in Special Fire Protection Areas without prior approval of the fire code official. Combustible solid fuels are prohibited in special fire protection areas, only natural gas or propane flame is allowed regardless if a spark arrestor is utilized.

Incinerators, 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 arrester, screen or door.

Exception: When approved, unprotected openings in barbeques and grills necessary for proper functioning.

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

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 ordinance, being Urgency Ordinance No. 2010-24 was adopted by the City Council of said City at a special meeting of said Council, duly held on the 6th day of November, 2010, and that the same was so passed and adopted by the following vote, to wit:

Ayes: Selich, Rosansky, Henn, Webb, Gardner, Daigle, Mayor Curry

Noes: None

Absent: None

Abstain: None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 7th day of December, 2010.



(Seal)



City Clerk
City of Newport Beach, California

CERTIFICATE OF PUBLICATION

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 Urgency Ordinance No. 2010-24 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:

Adopted Urgency Ordinance: December 11, 2010

In witness whereof, I have hereunto subscribed my name this _____ day of _____
2010.

City Clerk
City of Newport Beach, California

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.

SECTION 2. 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.

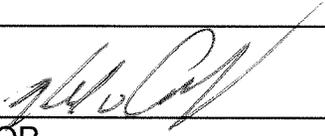
SECTION 3. The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance. The City Clerk shall cause the same to be published once in the official newspaper of the City, and it shall be effective thirty (30) days after its adoption.

This Urgency Ordinance was adopted on the 6th day of December, 2010, by the following vote to wit:

AYES, COUNCILMEMBERS Selich, Rosansky, Henn, Webb, Gardner, Daigle, Mayor Curry

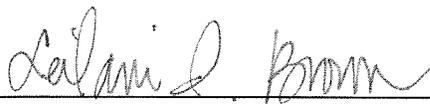
NOES, COUNCILMEMBERS None

ABSENT, COUNCILMEMBERS None



MAYOR

ATTEST:



CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY



David R. Hunt, City Attorney