



**CITY COUNCIL AGENDA REPORT**  
**MEETING DATE:** 11/15/2022  
**DEPARTMENT:** Community Development

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**SUBJECT:**

ADOPTION OF 2022 CALIFORNIA BUILDING STANDARDS CODES

**RECOMMENDED ACTION(S):**

1. Introduce for first reading an Ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST CALIFORNIA, AMENDING CHAPTERS 8.02, 8.04, 8.06, 8.12, 8.14, 8.16, 8.18, 8.20, 8.22, 8.24, AND 8.26 OF TITLE 8 OF THE CITY OF LAKE FOREST MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2022 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE (CALIFORNIA CODE OF REGULATIONS, TITLE 24); THE 2021 EDITION OF THE INTERNATIONAL SWIMMING POOL, SPA, AND HOT TUB CODE; AND THE 2021 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, TOGETHER WITH CERTAIN ADDITIONS, AMENDMENTS, AND DELETIONS; and
  2. Direct staff to schedule a December 6, 2022, public hearing to adopt the Ordinance identified in Recommended Action 1, including provision of the appropriate public hearing notices.
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**EXECUTIVE SUMMARY:**

This item provides for the triennial adoption of the newest edition of the (2022) California Building Standards Code (CBSC) with local amendments; and first-time adoption of the 2021 edition of the International Swimming Pool and Spa Code (ISPSC) and the 2021 edition of the International Property Maintenance Code ("IPMC"). The 2022 edition of the CBSC will become effective January 1, 2023. This report outlines the Code adoption process and summarizes staff and Orange County Fire Authority ("OCFA") recommended local amendments. Local amendments are considered "reasonably necessary" due to local climatic, geological, or topographical conditions and to facilitate administration of codes upon adoption/readoption. There is minimal fiscal impact associated with this item.

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## **BACKGROUND:**

The California Building Standards Code ("CBSC") is the building code for California and State law (Title 24 of the California Code of Regulations). The CBSC is a compilation of three types of building standards from three different origins:

- Building standards that have been adopted by state agencies without change from building standards contained in national model codes;
- Building standards that have been adopted and adapted from national model codes to address California's ever-changing conditions; and
- Building standards, authorized by the California legislature that constitute amendments not covered by national model codes, have been created and adopted to address California concerns.

New editions of the CBSC are published every three years by the California Building Standards Commission. The most recent edition, the 2022 CBSC, was published on July 1, 2022. State law mandates that all California jurisdictions enforce the 2022 CBSC for all construction permitted on or after January 1, 2023.

Local jurisdictions may choose to formally adopt the CBSC or take no action and allow it to go into effect automatically. State law allows local jurisdictions to adopt amendments ("local amendments"), provided the amendments are more stringent than the CBSC standard. To incorporate local amendments into the Lake Forest Municipal Code ("LFMC"), the City must formally adopt the corresponding code and the local amendments and make findings that the local amendments are warranted due to local climatic, geologic, or topographical conditions.

Lake Forest adopted local amendments during each of the prior triennial code adoption cycles. Notwithstanding, all desired previously adopted local amendments must be re-adopted each time the California Building Standards Commission adopts a new edition of the CBSC. Local amendments are codified in Title 8 – *Building and Construction* of the LFMC.

In contrast to the conventional LFMC amendment process, State law requires that the public hearing occur in conjunction with the second reading of the draft ordinance(s) instead of the first. Accordingly, this first reading of the draft ordinance is on the agenda as a "Discussion/Action Item" and a public hearing is tentatively scheduled for December 6, 2022.

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## DISCUSSION:

### Code Adoption and Amendment Process

The 2022 edition of the CBSC contains 13 separate divisions (also known as “Codes”). Table 1 (below) lists each division of the CBSC by number and name, the corresponding recommended action for the 2022 Code adoption cycle, and the LFMC section that would contain each local amendment upon adoption. The City is required to adopt only those codes that are being amended locally.

**Table 1 – CBSC Divisions and Summary of Recommended Actions**

Div.	Code	Recommended Action	LFMC Chapter
1	CA Administrative Code	Takes effect as is. No adoption needed.	N/A
2	CA Building Code	Adopt with local amendments.	8.02
2.5	CA Residential Code	Adopt with local amendments.	8.06
3	CA Electrical Code	Adopt with local amendments (Administrative only*).	8.14
4	CA Mechanical Code	Adopt with local amendments (Administrative only*).	8.20
5	CA Plumbing Code	Adopt with local amendments (Administrative only*).	8.16
6	CA Energy Code	Takes effect as is. No adoption needed.	N/A
7	Reserved	N/A	N/A
8	CA Historical Building Code	Takes effect as is. No adoption needed.	N/A
9	CA Fire Code	Adopt with local amendments.	8.24
10	CA Existing Building Code	Takes effect as is. No adoption needed.	N/A
11	CA Green Building Standards Code ( <i>CAL Green</i> )	Takes effect as is. No adoption needed.	N/A
12	CA Referenced Standards Code	Takes effect as is. No adoption needed.	N/A

\*Local amendments identified as "administrative only" pertain only to administration of the Code (e.g., permit fees, enforcement, etc.) and not to construction standards or methods.

## **Local Code Amendments**

The recommended amendments customize certain provisions of the CBSC to address distinct climatic, geologic, or topographical characteristics of the region outlined in Attachment 1 (draft ordinance). Recommended amendments are developed through coordination with local building officials in the Southern California region and are provided to all jurisdictions served by the Orange County Fire Authority ("OCFA").

In conjunction with each triennial CBSC update, OCFA prepares recommended local amendments to the California Fire Code ("CFC"), and in some instances, other CBSC divisions. All OCFA-recommended local amendments for 2022 are to the CFC. However, staff recommends that local amendments to the CBSC, CA Residential Code ("CRC"), CA Electrical Code ("CEC"), CA Mechanical Code ("CMC") and CA Plumbing Code (CPC) adopted in previous cycles (most recently in 2019) be re-adopted for 2022, except for certain fire-related amendments OCFA determined are no longer necessary. Prior local amendments not recommended for re-adoption consist of code provisions to be included in the CFC which would be redundant in other divisions, or standards that have been incorporated into the 2022 CBSC and are therefore no longer necessary as a local amendment.

For 2022, there are four categories of recommended local amendments:

1. New for 2022 amendments;
2. Revisions to previously adopted amendments;
3. Re-adoption of previously adopted amendments with no changes;
4. Deletion of previously adopted amendments that are no longer necessary.

The recommendations corresponding to each of the four categories are detailed in Attachment 1 and summarized below. In addition, a more detailed summary of OCFA-recommended amendments to the CFC is provided as Attachment 2.

### **1. New for 2022 Amendments**

For the 2022 Code cycle, OCFA is recommending new local amendments pertaining to the following:

- Maximum size and minimum separation of piles of stored wood chips, compost, solid biomass feedstock, raw products associated with yard waste and similar materials;
- A requirement to provide "push-out clear areas" for piles of materials exceeding 20 cubic yards within 250 feet of any pile and a minimum of 20 feet from any building. Push-out areas allow for piles to be spread out to a depth of two feet in height.

## 2. **Revisions to Previously Adopted Amendments**

Proposed revisions to previously adopted amendments include:

- An amended OCFA Guideline B-01 (previously "B-09") – *Fire Master Plans for Commercial & Residential Development* adopted by reference in CFC section 501.1. Guideline B-01 pertains to the creation and maintenance of fire access roadways, walkways to and around buildings, and hydrant quantity and placement. The guideline applies to roads which provide fire access to new, reconstructed, and relocated residential or commercial structures, developments, and facilities.
- Replacement of CFC section 4908 – *Fuel Modification Requirements for New Construction* (adopted as a 2019 local amendment), with CFC section 4903.3 – *Fuel Modification Plans*. This section requires fuel modification plans be reviewed and approved by OCFA for all new buildings in a wildfire risk area, and conformance with OCFA Guideline C-05 – *Vegetation Management Guideline – Technical Design for New Construction Fuel Modification Plans and Maintenance Program*.

## 3. **Readoption of Previously Adopted Local Code Amendments – No Changes**

OCFA is recommending that numerous previously adopted local code amendments be re-adopted as part of the 2022 Code adoption (see Attachment 2 for details). The amendments address code violations/penalties, open burning, recreational fires, piles of combustible materials, fuel modification zone requirements, clearance of brush and vegetation from roadways, building sprinkler requirements, and emergency responder radio coverage, along with other safety standards related to the following:

- Emergency planning and preparedness;
- Fire service features;
- Lumberyard, agro-industrial, solid biomass and woodworking facilities;
- Requirements for wildland-urban interface fire areas;
- Hazardous materials;
- Explosives and fireworks; and
- Referenced standards

## 4. **Deletion of Previously Adopted Local Code Amendments**

Deletions recommended for 2022 include provisions addressing:

- sky lanterns;
- battery charging systems for cars and carts;
- defensible space;
- mobile fueling;
- sprinkler design for non-warehouse spec buildings;
- method of determining water supply;
- height of hose outlet; and
- various redundant provisions included in the CFC and unnecessarily repeated in the CBC and CRC.

OCFA has deemed these prior-cycle local amendments unnecessary on the basis that the 2022 CBSC includes provisions that adequately address these standards.

### **Local Administrative Amendments**

In addition to the OCFA-recommended local amendments to the CFC, staff is recommending various administrative local amendments for re-adoption. These amendments establish provisions for implementation of the Codes, as well as technical provisions to customize the Codes to local and regional conditions. The local administrative amendments provide the City with code enforcement authority in areas such as plan review, permit fees, inspections, and penalties. All proposed local amendments pertaining to the administrative portions of the CBC, CRC, CPC, CEC, CMC and CFC are carry-forwards from previous local amendments adopted by the City Council.

### **New Codes**

#### **International Property Maintenance Code**

Staff is recommending the adoption of the 2021 International Property Maintenance Code (IPMC), which is published by the International Code Council. The IPMC establishes minimum requirements for the maintenance of existing buildings for the protection of public health, safety, and welfare. As proposed for adoption, the IPMC would apply in instances when other applicable codes, such as the California Health & Safety Code, are silent with respect to a particular standard or when it is more restrictive. The IPMC is a simplified code that will provide specific code requirements to assist code enforcement officers enforce quality-of-life concerns that cannot otherwise be enforced. For example, it requires that “structures and exterior property shall be kept free from rodent harborage and infestation” and that “exterior property and premises and the interior of every structure shall be free from any accumulation of rubbish or

garbage.” Issues such as these have occurred in the past. However, based on the City’s currently adopted codes, code enforcement is unable to pursue a violation and therefore are hindered in resolving citizen concerns. Upon adoption, the City’s Code Enforcement Division would have primary enforcement responsibility for this Code. This Code has been adopted by other Orange County jurisdictions, including Aliso Viejo, Laguna Niguel, Newport Beach, Tustin, and Santa Ana. Upon adoption, reference to the IPMC would be provided in a new LFMC Chapter 8.32.

### International Swimming Pool and Spa Code

Staff is recommending adoption of the 2021 International Swimming Pool and Spa Code (ISPSC), which is published by the International Code Council. The ISPSC establishes minimum requirements for the design, construction, alteration, repair and maintenance of swimming pools, spas, hot tubs, and aquatic facilities. The City currently applies CBSC standards for swimming pools, spas, etc. However, the ISPSC provides more comprehensive standards and regulations including standards for portable residential spas, safety signs, and other items which are not sufficiently addressed in the CBSC. The ISPC would apply in instances when the CBSC is silent with respect to a particular standard or when it is more restrictive. This Code has been adopted by other Orange County jurisdictions including Garden Grove, Laguna Niguel, Mission Viejo, and Seal Beach. Upon adoption, reference to the ISPSC would be provided in a new LFMC Chapter 8.34.

### **SUMMARY:**

Staff worked closely with the Building Official, OCFA, and the City Attorney's office preparing for adoption of the 2022 CBSC and local amendments. Recommended local amendments and new codes respectively address deficiencies in the CBSC resulting from local climatic, geologic, or topographical conditions and provide more comprehensive standards for fire safety in the community. Staff recommends introduction of the ordinance for first reading and a directive to schedule a public hearing for the second reading, as required by State law, on December 6, 2022. A December 6, 2022, public hearing would provide for local amendments to take effect by January 5, 2023, and concurrent implementation of the new Codes. Copies of the 2022 CBSC, 2021 ISPSC, 2021 IPMC can be referenced at City Clerk's Office.

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### **FISCAL IMPACT:**

The recommended actions have minimal fiscal impact.

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**ATTACHMENTS:**

1. Draft Ordinance amending and adopting the 2022 editions of the CBC, CRC, CEC, CPC, CMC and CFC with local amendments; and the 2021 editions of the IPMC and ISPSC
2. Summary of OCFA-Recommended Local Code Amendments to the CFC.

Initiated By: Ron Santos, Senior Planner

Submitted By: Gayle Ackerman, AICP, Director of Community Development

Approved By: Debra Rose, City Manager