



**CITY COUNCIL AGENDA REPORT**  
**MEETING DATE:** 11/5/2019  
**DEPARTMENT:** Community Development

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**SUBJECT:**

ADOPTION OF THE 2019 CALIFORNIA BUILDING STANDARDS CODE

**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 2019 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE (CALIFORNIA CODE OF REGULATIONS, TITLE 24), CONSISTING OF THE 2019 CALIFORNIA BUILDING CODE, THE 2019 CALIFORNIA RESIDENTIAL CODE, THE 2019 CALIFORNIA ELECTRICAL CODE, THE 2019 CALIFORNIA MECHANICAL CODE, THE 2019 CALIFORNIA PLUMBING CODE, AND THE 2019 CALIFORNIA FIRE CODE; THE 1997 EDITION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS; THE 1997 EDITION OF THE UNIFORM HOUSING CODE; AND THE 1997 EDITION OF THE UNIFORM SIGN CODE, TOGETHER WITH CERTAIN ADDITIONS, AMENDMENTS AND DELETIONS; and
  2. Direct staff to schedule a December 3, 2019 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 is the triennial adoption of the Building Standards Code with local amendments. The 2019 edition of the Building Standards Code will become effective January 1, 2020. This report describes the recommended local amendments and the corresponding updates to the Lake Forest Municipal Code. The local amendments are recommended as reasonably necessary due to local climatic, geological, or topographical conditions. There is minimal fiscal impact associated with this item.

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## **BACKGROUND:**

On July 1, 2019, the California Building Standards Commission published the 2019 triennial edition of the California Code of Regulations (Title 24), which is also known as the California Building Standards Code ("CBC"). The CBC is state law and includes various codes pertaining to construction, including building, electrical, mechanical, plumbing, and fire. State law mandates that all California jurisdictions enforce the 2019 CBC for all construction permitted on or after January 1, 2019.

Local jurisdictions may choose to adopt the CBC or simply allow it to go into effect automatically with no local action. In addition, State law permits local jurisdictions to make revisions ("local amendments") provided the amendments are more stringent than the codes adopted by the State. To incorporate local amendments, jurisdictions must adopt the corresponding code and the local amendments, as well as make findings that the local amendments respond to local climatic, geologic, or topographical conditions.

The City 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 triennial edition of the CBC. Local amendments are codified in Title 8 of the Lake Forest Municipal Code ("LFMC").

In contrast to the conventional code amendment process, state law requires that the public hearing occur in conjunction with the second reading of the proposed ordinance(s), not the first reading. Accordingly, this first reading of the draft ordinances would be followed by a to-be-scheduled public hearing.

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## **DISCUSSION:**

### **Summary of Code Adoption and Amendment Process**

The 2019 edition of the CBC contains 12 separate divisions (also known as "Codes"). Table 1 (below) lists each division of the CBC by number, the name of the corresponding Code, the recommended action for the 2019 code adoption, and the location of proposed local amendments within Title 8 of the LFMC. The City is only required to adopt codes for which local amendments are proposed.

**Table 1 – California Building Standards Code (CBC)**

<b>Div.</b>	<b>Code</b>	<b>Recommended Action</b>	<b>LFMC Chapter</b>
1	CA Building Standards Administrative Code	Takes effect as is. No adoption needed.	N/A

<b>Div.</b>	<b>Code</b>	<b>Recommended Action</b>	<b>LFMC Chapter</b>
2	CA Building Code	Adopt with local amendments.	8.02
2.5	CA Residential Building 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	No longer in Title 24. See Title 8, CCR	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>CALGreen</i> )	Takes effect as is. No adoption needed.	N/A
12	CA Reference Standards Code	Takes effect as is. No adoption needed.	N/A

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

### **Local Code Amendments**

In conjunction with each triennial Building Code Update, the Orange County Fire Authority ("OCFA") prepares recommended local amendments to the CBC. The recommended amendments customize certain provisions of the codes to address distinct climatic, geologic, or topographical characteristics of the region. Amendments are derived through regional coordination with local building officials and are provided to all cities served by OCFA.

All of the OCFA-recommended local amendments for 2019 are to the California Fire Code ("CFC"). However, staff also recommends that local amendments to the Building, Residential, Electrical, Mechanical and Plumbing codes adopted in previous cycles (most recently in 2016) be re-adopted for 2019, along with minor code cross-reference cleanups. In addition, staff is recommending that LFMC Chapter 8.18, which adopted the 2000 edition of the Uniform Swimming Pool Code with local amendments, and Chapter 8.22, which adopted the 2000 edition

of the Uniform Solar Energy Code with local amendments, be deleted. Both codes are obsolete and standards pertaining to solar energy and swimming pools have since been incorporated into the CBC.

For 2019, there are four categories of OCFA recommended local code amendments:

1. New For 2019 Amendments;
2. Revisions to Previously Adopted Amendments from 2016;
3. Re-adoption of Previously Adopted Amendments with no changes;
4. Deletions of Previously Adopted Amendments no longer necessary.

The recommendations in each category are briefly summarized below, and in detail in Attachment 2.

### **New for 2019 Amendments**

For the 2019 Code cycle, OCFA is recommending new local amendments pertaining to the following:

- Carbon Monoxide Detection
  - Adds clarification to address detection in existing educational buildings
- Energy Systems
  - Adds specification for battery charging systems for cars and carts
- Mobile Fueling
  - On-demand mobile fueling is an emerging enterprise whereby persons may order (e.g., via the internet, mobile device, etc.) delivery of fuel and vehicle refueling service by a mobile service. The 2019 CFC permits on-demand mobile fueling with restrictions in Sections 5707 (On-Demand Mobile Fueling Operations) and 5809 (Mobile Gaseous Fueling of Hydrogen-Fueled Vehicles). Both sections include an extensive list of requirements, including a permit from the fire code official, a limitation to only approved locations, a safety and emergency response plan, and training records. In addition, mobile fueling is prohibited on public streets, inside buildings, the roof level of parking structures, and within 25 feet of buildings, property lines and combustible storage (subject to certain exceptions). Roadside service and emergency vehicles are exempt from these regulations.

OCFA provided two options for local amendments related to mobile fueling for consideration by local jurisdictions. Option 1, which is recommended

by staff, would prohibit mobile fueling altogether. Option 2 permits mobile fueling with additional regulations, including a prohibition of mobile fueling on private streets, and a requirement that mobile fueling comply with the requirements of a permanent fueling installation where not specifically addressed by Section 5707. For hydrogen, compressed natural gas and liquefied natural gas mobile fueling, Option 2 adds a minimum separation from railroads, prohibits fueling beneath power lines, prohibits unattended fueling-vehicles in certain circumstances, and restricts parking of tank vehicles.

Staff is recommending Option 1 on the basis that the standards for mobile fueling in the CFC would be extremely difficult to enforce due to the transient nature of the service. Without diligent enforcement, potential safety and environmental risks could be significant. Moreover, most regulatory agencies, including OCFA, currently have minimal experience with these types of services. Consequently, there is uncertainty as to the risks posed and the best practices for minimizing such risks. Additionally, City staff has not been contacted by members of the community, including businesses, expressing support for allowing on-demand mobile fueling, and questions remain regarding local sales tax recovery from mobile fuel sales.

### **Revisions to Previously Adopted Amendments**

Proposed revisions to previously adopted amendments include deletion of the "sky lantern" definition, a revision to a vegetation maintenance requirement that provides for better consistency with a corresponding OCFA guideline, and a prohibition of outdoor fires during hazardous weather conditions (see Attachment 2 for more details).

### **Previously Adopted Local Code Amendments – No Modifications**

OCFA is recommending that numerous previously adopted local code amendments be re-adopted with the 2019 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, residential sprinkler requirements, emergency responder radio coverage in existing buildings, 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;

- Reference standards

### **Deletions of Previously Adopted (2016) Local Code Amendments**

Deletions recommended for 2019 include a provision addressing hazards associated with rechargeable vehicles batteries (now addressed in the 2019 CFC), deletion of a provision allowing the use of sky lanterns (as sky lanterns are deemed unsafe), deletion of provisions related to fire lane dimensions and the size of address numbers, and deletion of provisions related to emergency responder radio coverage (as standards are addressed by Orange County Sheriff's Communication and Technology Division).

### **Local Administrative Amendments**

In addition to the OCFA recommended local amendments to the CFC, staff is recommending various administrative local amendments. These amendments relate to implementation of the Codes, as well as technical provisions to customize the Codes to local and regional use. The local administrative amendments included provisions which 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 Building, Residential, Plumbing, Electrical, Mechanical and Fire Codes are carried forward from previous local amendments adopted by the City Council, except for minor amendments that update references to other adopted codes. Staff incorporated the proposed technical and administrative local amendments into the attached draft ordinance (Attachment 1).

### **SUMMARY:**

In preparing the 2019 Building Standards Codes for adoption, staff worked closely with the Building Official and OCFA to present local amendments for City Council's consideration. Staff recommends introduction of the first reading of the proposed ordinance and scheduling a public hearing for the second reading, as required by state law, on December 3, 2019. A December 3 public hearing would provide for local amendments to take effect by January 2, 2020 and concurrent implementation of the new Codes.

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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 2019 California Building, Residential, Electrical, Plumbing, Mechanical and Fire Codes, Uniform Code for the Abatement of Dangerous Buildings, Uniform Housing Code, and Uniform Sign Code, with local amendments, and deleting LFMC Chapters 8.18 and 8.22;
2. Summary of OCFA-Recommended Local Code Amendments to the CFC.

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

Approved By: Debra Rose, City Manager