



CITY OF NEWPORT BEACH

Building and Fire Board of Appeals Minutes
Building and Fire Board Regular Meeting
100 Civic Center Drive
Newport Beach, California
October 19, 2022, 3:00 p.m.

I.) **CALL MEETING TO ORDER** – The meeting was called to order at 3:00 p.m.

II.) **ROLL CALL**

Present: Nour, Allen, Bondy, Manning, Walz
Absent: Caskey, Pulaski

III.) **PUBLIC COMMENTS**

None

IV.) **APPROVAL OF MINUTES**

1. **Approval of January 24, 2022**

Recommended Action: Approve Minutes of January 24, 2022

Motion made by Board Member Allen, seconded by Board Member Bondy, and carried (5-0-0-2) to approve the Minutes of January 24, 2022 as written.

AYES: Nour, Allen, Bondy, Manning, Walz
NOES: None
ABSENT: Caskey, Pulaski
ABSTAIN: None

Board Member Waltz joined the meeting.

V.) **NEW BUSINESS**

2. **STAFF PRESENTATION ON THE PROPOSED CITY AMENDMENTS TO THE 2022 CALIFORNIA BUILDING STANDARDS CODE WHICH INCLUDES: BUILDING- VOLUMES 1 AND 2, RESIDENTIAL, FIRE, MECHANICAL, PLUMBING, ELECTRICAL, GREEN, ENERGY, HISTORICAL BUILDING, AND EXISTING BUILDING**

Recommended Action: Provide comments to Staff.

Chief Building Official/Secretary to the Board Thai reported the proposed changes will come into effect on January 1, 2023. The ordinance is scheduled to be heard by City Council at the November 15, 2022 meeting and adoption is scheduled to be on November 29, 2022. For the Administrative Code, there are several carry over items including the 50 percent or great evaluation for replacement costs, masonry and concrete fence requirement and a three-year time limitation for one and two family construction. He provided an example of how staff calculates the 50 percent or greater elevation and what Life Safety means. For the Building Code Section, staff proposed minimal amendments to the State adopted Fire Code. For the Residential Code, there are no proposed changes to the requirement that a licensed design professional must provide

their stamp and seal of approval for two-story projects or projects with a basement. There are no proposed changes to the placement of addresses on dwellings located in an alley. For the mechanical and Plumbing Code, there are carry over items from the previous Code. One proposed addition to the Mechanical Code and the Plumbing Code is to allow for modification request for alternative means and methods. For the Swimming Pool and Spa Code, the City is going to adopt and amend the 2022 International Pool and Spa Code Section 1509.160 and adopt the standard that windows must be equipped with alarms. For California Green Historical Building and Energy Code there are no proposed amendments.

In response to queries from the Board, Chief Building Official/Secretary to the Board Thai answered the \$300 per square foot is a standard value figure in the City's policy for the 50 percent or greater evaluation for improvements to existing buildings. The depreciation is included in the policy by percentage per year and the City's policy mirrored Federal Emergency Management Agency's (FEMA) policy. An applicant can use the City's evaluation table to determine a building's value. Anyone who is doing improvements that exceeded the 50 percent evaluation, even though they are not changing the square footage, are required to comply to Code. Any pool modifications are part of a separate code and have their own requirements. For projects outside of the special flood hazard area, staff tracks the cumulative improvements per permit for residential homes. With respect to maintenance and repair, maintenance did not count toward the 50 percent or greater evaluation but repairs may.

Board Member Waltz encouraged staff to educate engineers on how to do the calculation for the 50 percent or greater evaluation to provide consistency. Chair Nour suggested a frequently asked questions document be drafted for folks to reference.

Fire Marshal Bass mentioned there is a slight change in the Fire Code for change of occupancy to provide consistency. The City will not require fire sprinklers on the third floor anymore and this is proposed to align with the intention of the Building Code and Fire Code. Chapter 12 is proposed to be adopted as is and the City will now be accepting building integrated photovoltaic systems. With respect to Chapter 49, the new language in the Fire Code is sufficient and staff has only a couple amendments. Those proposals are that all existing structure with vents be updated to have 1/8th mesh screens, that homeowners create a noncombustible zone at the base of their homes and trim existing trees away from structures.

In answer to inquiries from the Board, Fire Marshal Bass clarified there is no required area of refuge for building integrated photovoltaics because the structure is designed to be walked on. The rooves are slick and the fire department will use horizontal venting as opposed to vertical venting. A new concept is to have the building integrated system be self-ventilating. If approved, homeowners with existing homes will have to update the wire mesh on their vents and adjust their landscaping. Homeowners will receive a Safer from Fire Wilds Program pamphlet that outlines the changes and if done, insurance companies will provide a discount.

Board Member Nour was not supportive of 1/8th mesh screens because they became blocked and clogged easily. Fire Marshal Bass remarked that the proposed mesh caused a 20 percent reduction in air flow but it has been observed to stop fire embers.

Chief Building Official/Secretary to the Board Thai reported amendments are proposed for Municipal Code Section 15.19.060 to comply with Senate Bill 970 regarding electric vehicle charging stations.

Chair Nour commented the electrical plan check had to go through strict review because electric vehicle charging stations will cause a fire if it is done wrong.

Chief Building Official/Secretary to the Board Thai said for flood plain management, the proposal is to amend the Municipal Code to incorporate the new requirements for compliance with the community rating system. If not adopted, the Federal Government will no longer subsidize flood insurance.

In answer to questions from the Board, Chief Building Official/Secretary Thai confirmed the City currently practiced the requirements required for flood plain management.

VI.) STAFF AND BOARD MEMBER ITEMS

Chair Nour announced he has been selected as Engineer of the Year by Plumbing and Mechanical Magazine.

VII.) BUILDING AND FIRE BOARD OF APPEALS ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT.

None

VIII.) ADJOURNMENT

Chair Nour adjourned the meeting at 4:03 p.m.