

Attachment A

Resolution - Adopting Findings to the Amendments to the California Building Standards Code and Other Related Codes

RESOLUTION NO. 2025- 58

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 INTERNATIONAL PROPERTY MAINTENANCE CODE, THE CALIFORNIA BUILDING CODE, THE CALIFORNIA RESIDENTIAL CODE, THE CALIFORNIA ELECTRICAL CODE, THE CALIFORNIA MECHANICAL CODE, THE CALIFORNIA PLUMBING CODE AND THE INTERNATIONAL SWIMMING POOL AND SPA CODE AS REASONABLY NECESSARY BECAUSE OF LOCAL CLIMATIC, GEOGRAPHIC, OR TOPOGRAPHIC CONDITIONS

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

WHEREAS, the State is mandated by Health and Safety Code Section 17922 to impose the same requirements as are contained in the 2025 California Building Code based on the 2024 International Building Code of the International Code Council, the 2025 California Residential Code based on the 2024 International Residential Code, the 2025 California Green Building Standards Code, the 2025 California Plumbing Code based on the 2024 Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials, the 2025 California Mechanical Code based on the 2024 Uniform Mechanical Code of the International Association of Plumbing and Mechanical Officials and the 2025 California Electrical Code based on the 2023 National Electrical Code of the National Fire Protection Association, the 2025 California Energy Code, the 2025 Historical Code, and the 2025 Existing Building Code (hereinafter referred to collectively as (“Codes”));

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;

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

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

WHEREAS, a copy of this resolution together with the ordinance 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 as required by state law.

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

Section 1: The City Council does hereby approve the following changes and modifications to the 2024 Edition of the International Property Maintenance Code and International Swimming Pool and Spa Code, and the 2025 edition of the California Building Code, California Residential Code, California Electrical Code, California Mechanical Code, and California Plumbing Code, and as recommended by the Building Official, and finds that the changes are necessary due to local climatic, geographic or topographic conditions:

INTERNATIONAL PROPERTY MAINTENANCE CODE SECTION	JUSTIFICATION/EXPRESS FINDINGS
Chapter 1	Reference to Newport Beach Admin. Code
302.4 (Weeds)	Reference to Newport Beach Admin. Code
303.2 (Enclosures)	Make consistent with the California Building Code
CALIFORNIA BUILDING CODE SECTIONS	
	JUSTIFICATION/EXPRESS FINDINGS
105.2 (Work Exempt from Permit)	a, b, c, d, e, f, g, h
903.2 (Where Required)	c, d, e
903.2.8 (Group R)	a, c, d, e

903.2.8 Item 2 Exceptions #1 and #2	Comply with AB2221 and SB897 amendment to Gov. Code 65852.2 (a)(1)(D)(xii) and 65852.2(e)(3)
Table 1505.1 (Minimum Roof Covering Classification for Types of Construction)	d, e, f
1505.1.2 Roof coverings within all other areas other than Fire Hazard Severity Zones or a Wildland-Urban Interface (WUI)	d, e, f
1612.3 (Establishment of Flood Hazard Areas)	i, j
1704.2.1 (Special Inspector Qualifications)	g, h, i
CALIFORNIA RESIDENTIAL CODE SECTIONS	
	JUSTIFICATION/EXPRESS FINDINGS
R115 (Existing Buildings)	a, b, h, i
R301.1.1.1 (Deletion of Section R301.1.1.1.)	e, f, g, h, i, j
R301.1.3 — R301.1.3.3 (Engineered Design, California Licensed Architect or Engineer, Wood Frame Structures Greater than Two-Stories, and Structures other than Wood Frame)	a, b, d, c, g, h, i, j
R301.2 (Table R301.2)	g, h, j
Table R301.2 (Footnote g)	j
R301.2.4 — R301.2.4.1 (Floodplain Construction & Alternate provisions)	h, i, j
R317.3 (Flood Hazard Areas)	i, j
R309 (Replaced with CBC 903.2.8)	a, b, c, e, i
R308.1 (Address Identification)	k, l
R306 (Adding Floodplain Management Ordinance)	h, i, j
R341 (Sound Transmission)	l, Additional reference to California Building Code

R401.4 (Geotechnical Investigations)	a, b, c, g, h, i, j, Additional reference to California Building Code
R405.1 (Basement Wall Drainage)	i, j
R902 (Roof Classification)	d, e, f, Additional reference to California Building Code
CALIFORNIA ELECTRICAL CODE SECTIONS	
JUSTIFICATION/EXPRESS FINDINGS	
R358.10(A) (EMT — Uses Permitted)	i, j
R358.10B (EMT — Uses Permitted)	i, j
CALIFORNIA MECHANICAL CODE SECTIONS	
JUSTIFICATION/EXPRESS FINDINGS	
103.5 (Modifications)	Make consistent with the California Building Code
107.1 (Appeals)	Make consistent with the California Building Code
CALIFORNIA PLUMBING CODE SECTIONS	
JUSTIFICATION/EXPRESS FINDINGS	
103.5 (Modifications)	Make consistent with the California Building Code
107.1 (Appeals)	Make consistent with the California Building Code
INTERNATIONAL SWIMMING POOL AND SPA CODE SECTION	
JUSTIFICATION/EXPRESS FINDINGS	
101.1 (Title)	Administrative change by Chartered City

101.2 (Scope)	Administrative change by Chartered City
102 through 114 (Delete Sections)	Administrative change by Chartered City
201.3 (Terms Defined in other Codes)	Make consistent with the California Codes
202 (Definitions)	Make consistent with California Swimming Pool Safety Act
301.1 (Scope, Application of Chapters 7 through 10, and Conflicts)	n
302.1 (Electrical)	m, Make consistent with the California Codes
302.2 (Water Service and Drainage)	Make consistent with the California Codes
302.5 (Backflow protection)	Make consistent with the California Codes
302.6 (Wastewater discharge)	Make consistent with the California Codes
303.1 (Energy Consumption of Pools and Permanent Spas)	Make consistent with the California Codes
303.1.1 through 303.3 (Deleted)	Make consistent with the California Codes
304.2 (Floodplain Construction)	i, j
305.1 (General)	n, Administrative change by Chartered City
305.2 (Swimming Pools and Spa)	m, Administrative change by Chartered City
305.2.1 Item 1 (Barrier height and clearance)	Make consistent with California Swimming Pool Safety Act

305.2.4.1 (Deleted)	Administrative change by Chartered City
305.2.5 (Deleted)	Administrative change by Chartered City
305.3.3 (Latch release)	Make consistent with California Swimming Pool Safety Act
305.4 (Exception to Count Barrier as Drowning Prevention Safety Feature)	Make consistent with the California Building Code
305.5 Items 1 and 2 (Pool Structure as a Barrier)	Make consistent with California Swimming Pool Safety Act
306.1 (General)	Additional reference to California Codes
306.4 (Deck Steps Handrail Required)	n
Table 306.5 (Minimum Drainage Slopes for Deck Surfaces)	Make consistent with the California Building Code
306.9.1 (Hose Bibbs)	Additional reference to California Codes
307.1.1 (Glazing in Hazardous Locations)	Additional reference to California Codes
307.1.4 (Roofs or Canopies)	Additional reference to California Codes
307.1.5 (Accessibility)	Additional reference to California Codes
307.2.2 (Materials and Structural Design)	Additional reference to California Codes
311.1 (Exception #2)	n, Administrative change by Chartered City
317.4 (Installation)	Additional reference to California Codes

317.6.1 (Installation)	Additional reference to California Codes
319.2 (Protection of Potable Water Supply)	Additional reference to California Codes
321.1 (Backwash Water or Draining Water)	j, Administrative change by Chartered City
321.2 and 321.3 (Deleted)	Administrative change by Chartered City
322 (General, Residential Pool and Deck Illumination)	Additional reference to California Codes
Chapter 4 (Deleted)	n
Chapter 5 (Deleted)	n
Chapter 6 (Deleted)	n
703.1 (General)	Additional reference to California Codes
802.1 (Materials of Components and Accessories)	Additional reference to California Codes
802.2 (Structural Design)	Additional reference to California Codes
901.2 (General)	Administrative change by Chartered City
903 (Added Section)	Administrative change by Chartered City
904 (Added Section)	Administrative change by Chartered City
905 (Added Section)	Administrative change by Chartered City
906 (Added Section)	Administrative change by Chartered City

907 (Added Section)	Administrative change by Chartered City
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- a. The City of Newport Beach (“City”) is located in an area subject to a climatic condition of high winds. This environment is conducive to rapidly spreading fires. Control of such fires requires a rapid response. Obstacles generated by a strong wind, such as fallen trees, street lights and utility poles, and the requirement to climb up flights of stairs will greatly impact the response time to reach an incident scene. Additionally, the amount of wind force at 60 ft. above the ground puts rescue personnel at increased risk of injury when they are using aerial-type firefighting apparatus above this height.
- b. The City is located in a seismically active area. The public water system may be damaged after a major seismic event. This would leave tall buildings vulnerable to uncontrolled fires due to a lack of available water and an inability to pump sufficient quantities of available water. A severe seismic event has the potential to negatively impact any rescue or fire suppression activities because it is likely to create obstacles similar to those indicated under the high wind section above.
- c. Due to the geographic conditions of widespread development separated by waterways and the street congestion caused by local geography, and due to the seismic activity and the expected infrastructure damage inherent in a seismic hazard zone, it is prudent to rely on automatic fire sprinkler systems to mitigate extended Fire Department response time and keep fires manageable with reduced fire flow (water) requirements for a given structure.
- d. Many areas of Newport Beach have developments abutting wildland and canyons with significant growths of vegetation of a highly combustible nature, classified as Very High Fire Hazard Severity Zones.
- e. The City, 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, 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 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 California Existing Building Code requires upgrading the existing building to a standard higher than that to which it was built, which creates a financial hardship for the building owner to repair an earthquake-damaged structure or strengthen it prior to a seismic event. The California Existing Building Code provides a reasonable performance standard for strengthening and repair of structures. The Federal Emergency Management Agency (“FEMA”) requires adoption of performance standards for the repair of damaged structures as a condition of financial assistance after disasters.
- h. The City is located in a seismically active area. There are earthquake faults that run along both the northeastern and southwestern boundaries of Orange County. The Newport-Inglewood Fault Zone (NIFZ) which runs through Orange County was the source of the destructive 1933 Long Beach earthquake (6.3 magnitude, hypocenter off Newport Beach coast), 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 coastal bluffs and hilly areas subject to landslides, earth induced landslides and it has coastal areas subject to flooding and liquefaction.
- i. The City 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 contains low lying coastal areas subject to flooding from sustained rain with tides which hinder 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 high waves which run up and overtop coastal beach berms. West Newport Beach is subject to flooding from the Santa Ana River and storm events with tides. The City of Newport Beach participates in the National Flood Insurance Program (NFIP) 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.
- l. Due to the geographic conditions of widespread development separated by

waterways and the street congestion caused by local geography.

- m. The City is a Charter City, therefore, topographical, geographical and climatic conditions are not required to amend the administrative provisions within the code.
- n. The City does not have jurisdiction over Public Pools. The enforcing agencies for Public Pools are the California Department of Public Health and the local health agency, County of Orange Health Care Agency, per Health and Safety Code Sections 116050 and 131200 and Chapter 1, Division 1, Section 1.7 of the California Building Code.

Section 2: If any section, subsection, sentence, clause or phrase of this resolution 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 resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 3: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 4: The City Council finds the adoption of this resolution 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, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 5: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.


ADOPTED this 9th day of September 2025.

Joe Stapleton
Mayor

ATTEST:

Molly Perry
Interim City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp
City Attorney