



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 21, 2019, 3:30 p.m.

I.) CALL MEETING TO ORDER – The meeting was called to order at 3:31 p.m.

II.) ROLL CALL

Present: Jeannette, Ahlke, Caskey, Luehrs, Nour, Walz
Absent: Pulaski

III.) PUBLIC COMMENTS

Jim Mosher hoped topics that Board Members suggested in the March meeting would be placed on a future agenda.

IV.) APPROVAL OF MINUTES

1. Approval of March 28, 2019 Minutes

Recommended Action: Approve March 28, 2019 Minutes

Chair Jeannette amended Item 4 to reflect that according to the Code open parking can be located below the first living level.

In response to questions, Chief Building Official Samir Ghosn indicated the time period for construction will begin when the building permit is obtained. The Council adopted an ordinance limiting the length of construction to three years. If construction is not complete within three years and an extension is sought, a Hearing Officer will hold a public meeting to learn if special circumstances exist that justify granting an extension. The Hearing Officer will either grant an extension for 180 days or deny the request. If requested, the Hearing Officer may grant a second 180-day extension. If construction is not complete at the end of two extensions, the City Council will address the issue in a public hearing and may grant an extension and set its duration. Projects that have a building permit or are under construction will have to be completed three years from the effective date of the ordinance. A building permit is effective for only six months and the Chief Building Official has the authority to extend the permit up to the three-year time limit as long as progress is being made. Few projects are not completed within three years. Rules of homeowner associations (HOA) do not affect the time limit for construction. Chief Building Official Ghosn indicated he was unsure whether the time

limit for a project would be extended based on the scope of the project being expanded after a building permit is obtained. Theoretically, the added scope could have its own three-year time limit. Preferably, all construction will be completed in three years from the date of the first building permit. The Hearing Officer is usually a retired judge or attorney. The Hearing Officer's decision is final. A building that is not complete at the end of all extensions can be submitted to the City Council for an extension or can be deemed a public nuisance and subject to legal proceedings.

Board Member Caskey noted the Planning Department will not accept project plans without a letter from the applicable HOA approving the plans. Chief Building Official Ghosn advised that typically the letter is required towards the end of the review process when an applicant seeks a building permit.

Motion made by Board Member Luehrs, seconded by Board Member Nour, and carried (6-0-0-1) to approve the Minutes of March 28, 2019 as amended.

AYES: Jeannette, Ahlke, Caskey, Luehrs, Nour, Walz
NOES: None
ABSENT: None
ABSTAIN: Pulaski

V.) NEW BUSINESS

2. Staff Presentation of the Proposed City Amendments to the 2019 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 Ghosn reported staff proposes to amend Chapter 15 of the Municipal Code to include drainage with grading and to add a section for swimming pool and spa requirements. Staff has deleted a few items from the new Code because the items are inconsistent with the Newport Beach Municipal Code or raise fire/safety issues with which staff disagrees. For example, Newport Beach requires emergency egress from a basement but provides an exception for a basement that is less than 200 square feet in size and houses mechanical equipment only. Some of the Seismic Codes have changed, and some design loading has changed. Staff is not proposing any changes to structural requirements. The 2019 California Codes will be effective January 1, 2020. Chief Building Official Ghosn reviewed proposed modifications to the Codes and new requirements. Fire Marshal Kevin Bass explained amendments to the Fire Code.

In reply to queries from the Board, Fire Marshal Bass indicated that Chapter 7A does not mention blocking attic vents but describes vent structures that should be used. Embers from a wildfire are a primary source of house fires. Currently, there are four

criteria for windows and windows have to meet one of the four criteria. The Coastal Commission will not prevent the removal of vegetation in ecologically sensitive areas if the intent is to comply with wildfire vegetation management. Hydrogen facilities are desirable; however, they have to be designed with a high level of safety. Chief Building Official Ghosn advised that electrical panels may have some unused capacity. The City is requiring the roof design to account for the additional loading of photovoltaic (PV) systems. PV systems are oriented for the maximum effectiveness in most instances. Home Energy Rating System (HERS) verification will be required for kitchen ranges. Staff will host a seminar regarding energy compliance in January 2020. Staff relies on manufacturer specifications to comply with energy efficiency requirements with respect to folding doors.

Board Member Nour remarked that Energy Code Ace provides excellent information about triggers. A MERV 13 air filter is very thick and comes from LEED standards. He noted the addition of "workman-like" and the subjectivity of the term.

VI.) STAFF AND BOARD MEMBER ITEMS

Board Member Nour advised that many cities are identifying and collecting Code conflicts. Fire Marshal Bass reported Fire Prevention Officers forward conflicts to the State Fire Marshal's Office where the conflicts are published in errata.

Chief Building Office Ghosn indicated staff held a public outreach meeting where participants requested training regarding emergency egress. If the Board knows of additional subjects for training, staff can arrange a seminar.

Board Member Nour commented that air conditioning systems may violate noise standards.

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

VII.) ADJOURNMENT

Chair Jeanette adjourned the meeting at 4:50 p.m.