

RESOLUTION NO. 2022-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, SETTING FORTH FINDINGS FOR AMENDMENTS TO THE 2022 CALIFORNIA BUILDING CODE, THE 2022 CALIFORNIA RESIDENTIAL CODE, AND THE 2022 CALIFORNIA FIRE CODE RELATIVE TO LOCAL CLIMATIC AND GEOGRAPHIC CONDITIONS

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY FINDS AND DECLARES AS FOLLOWS:

WHEREAS, California Health and Safety Code Section 17958 provides that local cities shall adopt ordinances and regulations imposing the same requirements, or modified or changed requirements, as are contained in the regulations adopted by the State pursuant to California Health and Safety Code Section 17922; and

WHEREAS, the State of California is mandated by California Health and Safety Code Section 17922 to impose the same requirements as are contained in the most recent edition of the California Building Codes; and

WHEREAS, California 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; and

WHEREAS, California Health and Safety Code Section 17958.7 requires that the City Council, before making any modifications or changes to the Codes, shall make an express finding that such changes or modifications are reasonably necessary because of local climatic, geographic or topographic conditions; and

WHEREAS, the Development Services & Fire Departments have recommended that changes and modifications be made to the Codes and have advised that certain said changes and modifications to the 2022 Edition of the California Building Code, the California Residential Code, and the California Fire Code, are reasonably necessary due to local conditions in the City of Costa Mesa and have further advised that the remainder of said changes and modifications are of an administrative or procedural nature, addressing subjects not covered by the Codes or are reasonably necessary to safeguard life and property within the City of Costa Mesa.

WHEREAS, amendments related to life and fire safety contained in Table 1505.1, Sections 1505.1.2 & 1807.1.6, of the 2022 Edition of the California Building Code, and Table R301.2, Sections R902.1, R902.1.3, R902.2 of the 2022 Edition of the California Residential Code, Sections 503.2, 901.11. Chapters 1, 3, 4, 5, 9, 12, 25, 26, 31, & 56 of the 2022 California Fire Code as recommended by the Development Services Department are hereby found to be reasonably necessary due to the following local conditions:

A. Climatic Conditions

1. Hot, dry Santa Ana winds are common to all areas within the City of Costa Mesa and Orange County in general. These winds, which can cause small fires which spread quickly, are a contributing factor to the high fire danger in the area and create the need for an increased level of fire protection. This added protection will supplement normal Fire Department response and provide protection for life and safety of multiple occupants during fires.

2. Orange County and the City of Costa Mesa are in a semi-arid Mediterranean type of climate which predisposes all fuels, including wood shingles, to the rapid ignition and spread of fire. Therefore, there exists a need for additional fire protection measures.

B. Geographic Conditions

1. Orange County and the City of Costa Mesa are in a high 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. The NIFZ currently 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 upon which this quake occurred was unknown prior to this activity. The October 17, 1989 Loma Prieta earthquake resulted in only one major San Francisco fire in the Marina district, but when combined with the 34 other fires and over 500 responses required, the local Fire department was taxed to its full capabilities. The

Marina fire was difficult to contain because water mains supplying water to the district burst during the earthquake. If more fires had been ignited by the earthquake, it would have been difficult for the fire department to contain them. Experts predict a major earthquake in the Orange County area within the next 50 years. This situation creates the need for both additional fire protection measures and automatic on-site fire protection for building occupants since a multitude of fires may result from breakage of gas and electric lines as a result of an earthquake. As noted by "Planning Scenario on a Major Earthquake on the Newport-Inglewood Fault Zone, 1988, State Department of Conservation," page 59, "unfortunately, barely meeting the minimum earthquake standards of building codes places a building on the verge of being legally unsafe";

2. Peak hour traffic and circulation congestion in the City of Costa Mesa contribute to potential response delays in the Fire & Rescue Department's travel time to fire and rescue emergency occurrences. This condition will be exacerbated by any major emergency, including a natural or manmade disaster, wherein damage to the City's critical infrastructure or the highway system's under and overpasses may create impenetrable barriers. Additionally, responding to existing outlying areas and future development sites will likely be delayed. This condition makes the need for additional on-site protection of property and occupants necessary.

3. Untreated wood roofs cause or contribute to serious fire hazard and to the rapid spread of fires when such fires are accompanied by high winds. Pieces of burning wooden roofs become flying brands and are carried by the wind to other locations and thereby spread fire quickly. Past Grand Jury Report findings support this concern.

<u>Code Section</u>	<u>Findings in Section 1</u>
Chap 1, Div II	Administrative
Table 1505.1 (CBC)	A-1, 2, B-1, 2, 3
1505.1.2 (CBC)	A-1, 2, B-1, 2, 3
1807.1.6 (CBC)	B-1
Table R301.2 (1) (CRC)	Administrative
R902.1 (CRC)	A-1, 2, B-1, 2, 3

R902.1.3 (CRC)

A-1, 2, B-1, 2, 3

R902.2 (CRC)

A-1, 2, B-1, 2, 3

Chapter 1 (CFC)

Chapter 3 (CFC)

Chapter 4 (CFC)

Chapter 5 (CFC)

Chapter 9 (CFC)

Chapter 12 (CFC)

Chapter 25 (CFC)

Chapter 26 (CFC)

Chapter 31 (CFC)

Chapter 56 (CFC)

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA
HEREBY RESOLVES AS FOLLOWS:

Section 1. The City Council hereby approves Resolution No. 2022-XX..

Section 2. The City Council hereby authorizes the Building Official, or the City Manager's designee, to file copies of Resolution No. 2022-XX and Ordinance No. 2022-XX with the California Building Standards Commission and Department of Housing and Community Development as required by Health and Safety Code Section 17958.7.

PASSED AND ADOPTED this 18th day of October, 2022.

John Stephens, Mayor

ATTEST:

APPROVED AS TO FORM:

Brenda Green, City Clerk

Kimberly Hall Barlow, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 2022-XX and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 18th day of October, 2022, by the following roll call vote, to wit:

COUNCIL MEMBERS:

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IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 19th day of October 2022.

BRENDA GREEN, CITY CLERK