

CITY OF DANA POINT

AGENDA REPORT

Reviewed By:	
DH	<u>X</u>
CM	<u>X</u>
CA	—

DATE: NOVEMBER 15, 2016

TO: CITY MANAGER/CITY COUNCIL

FROM: URSULA LUNA-REYNOSA, DIRECTOR OF COMMUNITY DEVELOPMENT
MARK I SUTTON, BUILDING OFFICIAL

SUBJECT: SECOND READING AND ADOPTION BY REFERENCE THE CALIFORNIA CODES OF REGULATIONS TITLE 24, PARTS 1-12, KNOWN AND DESIGNATED AS THE 2016 EDITION OF THE CALIFORNIA BUILDING CODE, 2016 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, 2016 EDITION OF THE CALIFORNIA ELECTRICAL CODE, 2016 EDITION OF THE CALIFORNIA PLUMBING CODE, 2016 EDITION OF THE CALIFORNIA MECHANICAL CODE, 2016 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, 2016 EDITION OF THE CALIFORNIA REFERENCE STANDARDS CODE, 2016 EDITION OF THE CALIFORNIA ENERGY CODE, 2016 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2016 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE, 2016 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE AND THE 2016 EDITION OF THE CALIFORNIA FIRE CODE, MAKING AMENDMENTS THERETO, AND RELATED ACTIONS.

RECOMMENDED ACTION: That the City Council:

Hold a second reading and adopt Ordinance No. _____ entitled, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTERS 8.02, 8.03, 8.12, 8.14, 8.16, 8.20, 8.24, 8.26, 8.28, 8.30, 8.32, 8.34, 8.36 AND 8.38 OF TITLE 8 OF THE DANA POINT MUNICIPAL CODE ADOPTING BY REFERENCE THE CALIFORNIA CODES OF REGULATIONS TITLE 24, PARTS 1-12, KNOWN AND DESIGNATED AS THE 2016 EDITION OF THE CALIFORNIA BUILDING CODE, 2016 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, 2016 EDITION OF THE CALIFORNIA ELECTRICAL CODE, 2016 EDITION OF THE CALIFORNIA PLUMBING CODE, 2016 EDITION OF THE CALIFORNIA MECHANICAL CODE, 2016 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, 2016 EDITION OF THE CALIFORNIA REFERENCE STANDARDS CODE, 2016 EDITION OF THE CALIFORNIA ENERGY CODE, 2016 EDITION OF THE

CALIFORNIA GREEN BUILDING STANDARDS CODE, 2016 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE, 2016 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE AND THE 2016 EDITION OF THE CALIFORNIA FIRE CODE, MAKING AMENDMENTS THERETO, AND RELATED ACTIONS.

BACKGROUND:

The changes and modifications to the 2016 Editions of the California Building, Residential, Plumbing, Mechanical, Electrical, Green Building Standards and Fire Codes are reasonably necessary due to local conditions in Dana Point. Other amendments are of an administrative or procedural nature and concern themselves with subjects that are not covered by the Code or are reasonably necessary to safeguard life and property within the City of Dana Point. Adoption of these codes as amended will implement the latest codes in the City and complies with current State law.

The City Council, at its regular meeting of November 1, 2016, introduced the proposed ordinance for its first reading and held a public hearing. Staff is bringing it back for the second reading and adoption at this time.

NOTIFICATION/FOLLOW-UP:

In accordance with Government Code Section 50020 et. al., a public hearing is held after the first reading of the Ordinance. The hearing notice is published twice in the newspaper in accordance with Government Code Section 6066. A copy of the codes are available for review in the City Clerk’s Office.

FISCAL IMPACT:

No fee increases as a result of this action. Since 1998, Community Development fees have remained the same except for the reduction in fees for solar photovoltaic energy projects which was approved by City Council in June of 2010.

ALTERNATIVE ACTION:

1. The City Council may choose not to adopt the Building and Fire Codes with local amendments. This would mean that only the State codes could be enforced and that previous local amendments would no longer be enforceable.

ACTION DOCUMENTS:

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A. Ordinance No. 16-XX	3
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SUPPORTING DOCUMENTS:

None

ACTION DOCUMENT A**ORDINANCE NO. 16-_____**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTERS 8.02, 8.03, 8.12, 8.14, 8.16, 8.20, 8.24, 8.26, 8.28, 8.30, 8.32, 8.34, 8.36 AND 8.38 OF TITLE 8 OF THE DANA POINT MUNICIPAL CODE ADOPTING BY REFERENCE THE CALIFORNIA CODES OF REGULATIONS TITLE 24, PARTS 1-12, KNOWN AND DESIGNATED AS THE 2016 EDITION OF THE CALIFORNIA BUILDING CODE, 2016 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, 2016 EDITION OF THE CALIFORNIA ELECTRICAL CODE, 2016 EDITION OF THE CALIFORNIA PLUMBING CODE, 2016 EDITION OF THE CALIFORNIA MECHANICAL CODE, 2016 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, 2016 EDITION OF THE CALIFORNIA REFERENCE STANDARDS CODE, 2016 EDITION OF THE CALIFORNIA ENERGY CODE, 2016 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2016 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE, 2016 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE AND THE 2016 EDITION OF THE CALIFORNIA FIRE CODE, MAKING AMENDMENTS THERETO, AND RELATED ACTIONS.

THE CITY COUNCIL OF THE CITY OF DANA POINT DOES ORDAIN AS FOLLOWS:

Section 1. The City hereby adopts Ordinance No. 16-__ that amends Title 8 “Buildings and Construction” of the Dana Point Municipal Code by amending Chapters 8.02, 8.03, 8.12, 8.14, 8.16, 8.20, 8.24, 8.26, 8.28, 8.30, 8.32, 8.34, 8.36 and 8.38. Chapters 8.01, 8.04, 8.08, 8.10, 8.11, 8.18, 8.22, 8.40 and 8.42 remain in effect and are not impacted by this Ordinance. The City repeals the portions of Ordinance No. 13-03 that pertain to Chapters 8.02, 8.03, 8.14, 8.16, 8.20, 8.24, 8.28, 8.30, 8.32, 8.34, 8.36 and 8.38. This Ordinance shall take effect on January 1, 2017, for all codes.

Section 2. Section 8.02.001 of Chapter 8.02 of the Dana Point Municipal Code entitled “Adoption of the California Building Code” is hereby amended to read in its entirety as follows:

The City Council of the City of Dana Point hereby adopts for the purpose of prescribing regulations for the erection, construction, enlargement, alteration, repair, improving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of all buildings and structures by reference the California Code of Regulations Title 24, Part 2, known and designated as the California Building Code (CBC), 2016 Edition, based on the 2015 International Building Code as published by the International Code Council, including Division II in Chapter 1 and Appendix I and with the modifications set forth below. The provisions of this code shall constitute the building

code regulations of the City. The California Building Code is on file for public examination in the office of the City Clerk.

Section 3. Section 8.02.010 of Chapter 8.02 of the Dana Point Municipal Code entitled "Amendments, Additions and Deletions" is hereby amended to read in its entirety as follows:

1. Subsection [A] 101.1 of Section 101 of Division II of CBC is hereby amended to read as follows:

[A] 101.1 Title. These regulations shall be known as the California Building Code of the City of Dana Point, hereinafter referred to as "this code."

2. Subsection [A] 101.2 of Section 101 of Division II of CBC is hereby amended to add a second paragraph that reads:

The provisions of this codes shall apply to and affect all of the territory of the City of Dana Point, except work located primarily in a public way, public utility towers and poles, mechanical equipment not specifically regulated in these codes, hydraulic flood control structures, facilities for the production, generation, storage or transmission of water or electrical energy by a local agency unless requested otherwise by the local authority/agency.

3. Subsection [A] 105.2 of Section 105 of Division II of CBC is hereby amended by deleting items 1 through 13 under "Building" and replacing them with the following:

Building:

1. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses and structures such as portable shade cloth structures, provided the floor area does not exceed 120 square feet (11 m²). Such structures must comply with the setback and height requirements of the City Zoning Ordinance and the Fire Code.
2. Masonry or concrete fences not over 36 inches (914 mm) in height above lowest adjacent grade, and all other fences not over six (6) feet (1,829 mm) in height above lowest adjacent grade.

Exception: Walls and fences less than six (6) feet (1829 mm) in height which are required as a condition of project approval, guard system or pool barrier system are required to have permits.

3. Oil derricks.
4. Retaining walls that are not over three (3) feet (914 mm) in height measured from the bottom of footing to the top of wall unless supporting a surcharge or impounding Class I, II or IIIA liquids.

5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1.
6. Decks, platforms or similar structures, walkways, sidewalks and driveways not more than 30 inches (762mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting and similar finish work that does not involve electrical, mechanical or plumbing work and providing this work is not part of a Code Enforcement case or action.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 18 inches (457 mm) deep, do not exceed 5,000 gallons and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support of Group R-3 and U occupancies.
13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over five (5) feet nine (9) inches (1,753 mm) in height.
14. Radio and television antenna, and flagpoles not over twelve (12) feet (3,658 mm) in height measured from grade.

Unless otherwise exempted, separate plumbing, electrical and mechanical permits will be required for the above-exempted items.

Any of the above items that are located on a Coastal Bluff, Flood Plain Overlay District, Environmentally Sensitive Area or subject to a discretionary Planning Division approval or as otherwise required by the Planning Division or any other authority/agency is not exempt from permits.

4. Subsection [A] 105.3.1 of Section 105 of Division II of CBC is hereby amended to read in its entirety as follows:

[A] 105.3.1 Action on Application. The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable

time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, or if the building, structure, or property is not in compliance with any and all federal, state, local laws, and ordinances and all fines, levies, and abatement cost are not paid in full, the building official shall reject such application in writing, stating the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirement of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefor as soon as possible. The building official shall not issue any permits to an applicant if the building, structure, or property is not in compliance with all federal, state, local laws, and ordinances and all fines, levies, and abatement cost are not paid in full.

5. Subsection [A] 105.3.2 of Section 105 of Division II of CBC is hereby amended to read in its entirety as follows:

[A] 105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or permit has been issued; except that the building official is authorized to grant one extension of time for additional periods not exceeding 180 days. The extension shall be requested in writing and justifiable cause demonstrated. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan check fee.

6. Subsection [A] 105.5 of Section 105 of Division II of CBC is hereby amended to read in its entirety as follows:

[A] 105.5 Expiration. Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days. Before such work can be re-commenced a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work; provided, however, that:

1. No changes have been made or will be made in the original plans and specifications for such work; and
2. Such suspension or abandonment has not exceeded one (1) year; and
3. A re-endorsement of the compliance of the plans with the applicable regulations, by the Building Official, shall be obtained.

In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding one hundred eighty (180) days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. Such written request shall be submitted no later than sixty (60) days after expiration of the permit. No permit shall be extended more than once.

7. A new Subsection [A] 105.8 is hereby added to Section 105 of Division II of CBC to read in its entirety as follows:

[A] 105.8 Maintenance of property during construction. During construction, all property shall be maintained in a reasonably clean and well-kept manner. All lumber and building materials shall be neatly piled or stacked in a safe manner and stored in the rear yard of the residential property or inside the building construction perimeter, except that building materials may be stored in a front yard for a period not to exceed thirty (30) days. A waiver of this requirement may be obtained from the Building Official or his/her designated representative if the construction is screened from view from adjacent occupied or public property with fencing materials approved by city zoning and building regulations.

8. A new Subsection [A] 105.9 is hereby added to Section 105 of Division II of CBC to read in its entirety as follows:

[A] 105.9 Requirement and Responsibility of Permittee. Permits as required by this Chapter shall be issued only to the following individuals:

1. **Duly Licensed Contractor/Contractor Proxy.** A duly licensed contractor acting in compliance with the provisions of Sections 7000 through 7199 of the California Business and Professions Code, or a contractor proxy acting for a duly licensed contractor acting in compliance with the provisions of Sections 7000 through 7199 of the California Business and Professions Code with the completed Contractor Permit Proxy form in compliance with Section 7031.5 of the California Business and Professions Code.

2. **Owner Builder/Authorized Agent of the Owner Builder.** An owner of a one- or two-family dwelling and related accessory building or structure acting in compliance with the provisions of Section 7044 of the California Business and Professions Code, or an agent authorized to act on behalf of an owner acting in compliance with the provisions of Section 7044 of the California Business and Professions Code with the completed Authorization of Agent to Act on Owner's Behalf form in compliance with Section 19825 of the California Health and Safety Code; provided however, that the improvements of the property are not intended or offered for sale, the owner occupies and is their principal place of residence or

intends to occupy one (1) of the units where such permit is to be obtained for the twelve (12) months prior to the completion of the work, and the owner has not performed work on more than two (2) buildings or structures during any three-year period.

3. Workers' compensation insurance verification. The Department is required by Section 3800(a) of the California Labor Code to verify workers' compensation insurance prior to issuing a permit. The permittee shall sign a declaration under penalty of perjury verifying Workers' Compensation Coverage or exemption from coverage as required by Section 19825 of the California Health and Safety Code.

4. Responsibility. Permits shall be presumed to incorporate the provision that the permittee, the permittee's agent, employees, contractors or subcontractors shall carry out the proposed work in accordance with the approved construction documents and with all provisions of this Title, municipal code or other ordinances of the City or laws and statutes of the State applicable thereto, whether specified or not. No approval shall relieve or exonerate any person from the responsibility of complying with the provisions and intent of this Title, municipal code or other ordinances of the City or laws and statutes of the State applicable thereto.

Permits issued are the responsibility of the applicant/permittee/property owner and to be maintained in an active state until final inspection is granted or obtained. An applicant/permittee of a permit which allows said permit to expire is in violation of this code.

9. Subsection [A] 107.1 of Section 107 of Division II of CBC is hereby amended to read as follows:

[A] 107.1 General. Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed, these documents also include Electrical/Mechanical/Plumbing plans and load calculations for residential and non-residential buildings meeting the threshold outlined in the policy. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

10. A new Subsection [A] 107.2.6 is added to Section 107 of Division II of CBC to read in its entirety as follows:

[A] 107.2.6 Soil report. A Soil report shall be submitted with all permit applications for new construction and additions. Soil Reports shall be prepared by a professional engineer licensed by the State to prepare such reports. The Building Official may waive this requirement if he/she finds that the scope of work applied for does not necessitate a soil report.

11. Subsection [A] 107.3 of Section 107 of Division II of CBC is hereby amended to add a second paragraph that reads as follows:

When submittal documents are required by Section [A] 107.1, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fees are separate fees from the permit fees specified in Section [A] 109.2 and are in addition to the permit fees. Said plan review fee shall be as set forth in the City Council Fee Resolution. The initial plan review fee is for one complete review and one re-check review. Reviews beyond the initial and the re-check shall require additional fees as set forth in the City Council Fee Resolution.

12. Subsection [A] 107.5 of Section 107 of Division II of CBC is hereby amended to add a second paragraph that reads as follows:

The approved plans, permit application and inspection card and other construction documents required by the Building Official shall be imaged after the final inspection and will be a permanent record in the City. The applicant shall pay the cost of imaging at the time of permit. Said imaging fee shall be as set forth in the City Council Fee Resolution.

13. Subsection [A] 109.2 of Section 109 of Division II of CBC is hereby amended by adding a sentence at the end to read as follows:

The fee for each permit shall be as set forth in the City Council Fee Resolution unless otherwise specified by this code.

14. Subsection [A] 109.3 of Section 109 of Division II of CBC is hereby amended to add a second paragraph that reads as follows:

The Building Official shall make the determination of value or valuation under any provisions of this code. The valuation shall be determined by using rational methods established by the Building Official that reasonably establish the construction value or the contract price of the actual construction cost. The value of work to be used in computing the Building Permit and Building Plan Review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment.

15. Subsection [A] 109.4 of Section 109 of Division II of CBC is hereby amended to add a second paragraph that reads as follows:

An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

16. Subsection [A] 109.6 of Section 109 of Division II of CBC is hereby amended to read in its entirety as follows:

[A] 109.6 Refunds. The building official may authorize refunding of any fee paid hereunder which was erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review has been paid is withdrawn or canceled before any plan reviewing is done.

The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of payment. No refund will be made for less than \$25.00. Permit and plan check fees will be refunded in their entirety when collected in error.

17. A new Subsection [A] 110.7 is hereby added to Section 110 of Division II of CBC to read in its entirety as follows:

[A] 110.7 Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

This subsection is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this Code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

Reinspection fees may be assessed when the inspection record card is not posted or otherwise made available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the Building Official.

To obtain a reinspection, the applicant shall file an application therefore in writing upon a form furnished for that purpose and pay the reinspection fee as established by the City Council Fee Resolution.

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

18. Subsection [A] 111.3 of Section 111 of Division II of CBC is hereby amended to add a second paragraph that reads as follows:

The application fee for such Temporary Certificate of Occupancy shall be as established by the City Council Fee Resolution. The Temporary Certificate of Occupancy may be subject to such conditions as deemed necessary by the Building Official. The Temporary Certificate of Occupancy expires 30 days after issuance and may be renewed for additional 30 day periods upon providing acceptable justification, the payment of a new application fee for each 30 day period and approval by the Building Official. The violation or failure of any such condition imposed shall be grounds for revocation of such Temporary Certificate of Occupancy.

19. Subsection [A] 113.1 of Section 113 of Division II of CBC is hereby amended to read in its entirety as follows:

[A] 113.1 General. In order to hear and decide appeals of the orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the City Council or a hearing officer appointed by the City Council.

20. Subsection [A] 113.3 of Section 113 of Division II of CBC is hereby deleted.

21. Subsection [A] 114.4 of Section 114 of Division II of CBC is hereby amended to add a second paragraph that reads as follows:

Any person, firms, or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation such person shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

22. A new Section [A] 117 is hereby added to Division II of CBC to read in its entirety as follows.

[A] 117.1 Underground Utilities Required. The Building Official shall, as a condition precedent to the issuance of a Building Permit, require all utility services located within the exterior boundary lines of lot or parcel of property to be installed underground if:

1. The property is to be developed with a new or relocated main building;
2. The remodeling, alteration, or addition to an existing main building exceeds fifty (50) percent of the value and/or area of the existing building;
3. A residential building or use is converted to any nonresidential use or purpose.

For purposes of this section, the term "main building" shall mean a building in which is conducted the principal use of the lot or building site on which it is located.

The owner or developer of the property is responsible for complying with requirements of this section and shall provide all necessary facilities on the property to receive such service from the supplying utilities.

If it is determined that practical difficulties, or unreasonable hardships inconsistent with the purposes of this chapter and unique to a particular parcel of property, would result from the literal interpretation of this section, the Building Official may waive, modify, or delay the imposition of any undergrounding requirement imposed pursuant to the section upon written application of any affected property owner. The Building Official shall notify the applicant of his decision in writing by certified mail. If the Building Official determines to delay the installation of the required underground utilities, he may require a recorded agreement guaranteeing the future performance of the work, together with adequate performance security enforceable by the City in the form of a cash deposit, bond, letter of credit, or other instrument satisfactory to the City Attorney or require the installation of an over/under electrical service with the underground conduit being installed out to an approved pull-box in the parkway in conformance with current utility requirements.

For purposes of this section, appurtenances and associated equipment such as, but not limited to, surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts in an underground system, may be placed above ground.

Any person dissatisfied with the decision of the Building Official may file an appeal pursuant to Section 2.04.100 to 2.04.130 of the Dana Point Municipal Code.

23. Subsection 201.4 of Section 201 of Division II of CBC is hereby amended to replace the first paragraph that reads as follows:

Where terms, phrases and words are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged (1961 edition,

through the 2002 addenda), shall be considered as providing ordinarily accepted meaning unless the context requires otherwise.

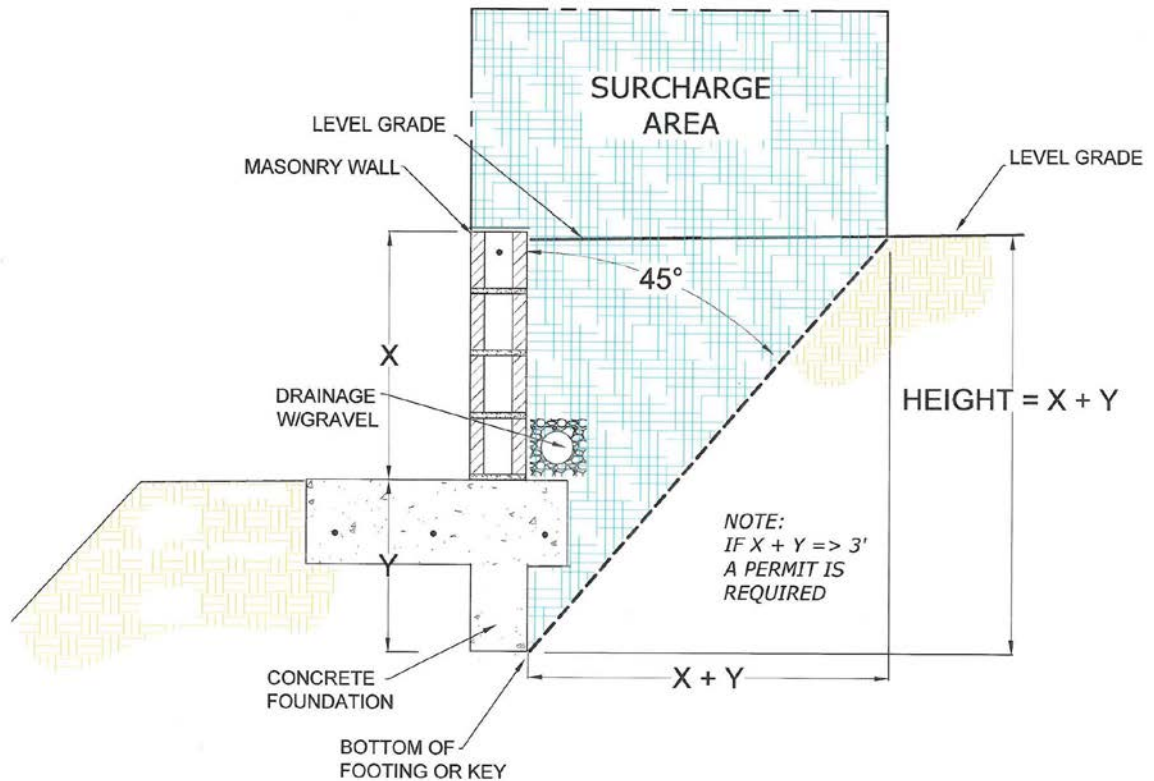
24. Section 202 of CBC is hereby amended by adding/revising the following definitions as follows:

[F] FLOOR AREA, FIRE SPRINKLERS. For the purpose of calculating square footage for application of fire sprinkler requirements, the floor area shall be determined to include the entire square footage of a room or designated area where any work or modifications are being made or proposed.

[F] SPARK ARRESTER. A listed device constructed of noncombustible material specifically for the purpose of meeting one of the following conditions:

1. Removing and retaining carbon and other flammable particles/debris from the exhaust flow of an internal combustion engine in accordance with California Vehicle Code Section 38366.
2. Fireplaces that burn solid fuel in accordance with California Building Code Chapter 28.

[A] SURCHARGE. A surcharge on a retaining wall is any load in addition to level grade, within that area defined by a 45 degree angle from the bottom of the footing to level grade. Examples of a surcharge may be a building or structure, fence, vehicle, driveway, slope or similar condition above level grade, within the hatched "Surcharge Area" shown in the figure below.



[A] SURCHARGE LOAD. A surcharge load is an additional load superimposed onto the earth pressure force to yield the total lateral force.

[A] SWIMMING POOL(S). Any structure intended for swimming, recreational bathing or wading that contains water over 18 inches deep. This includes in-ground, above-ground and on-ground pools; hot tubs; spas and fixed-in-place wading pools.

25. Subsection 406.4.5 of in Section 406 of CBC is hereby amended by deleting the exception and amending the second paragraph to read as follows:

The area of floor used for parking of automobiles or other vehicles shall be sloped to facilitate the movement of liquids to a drain or toward the main vehicle entry doorway with an approved oil separator or trap discharging to sewers in accordance with the California Plumbing Code.

26. Subsection [F] 501.2 of section 501 of the CBC is hereby amended to read in its entirety as follows:

[F] 501.2 Address identification. New and existing buildings shall have approved address numbers, building numbers or approved building identification on the building placed in a position that is plainly legible and visible from the street or road fronting the property. Multi-family dwellings and non-residential buildings that have access from an alley or thoroughfare shall have an additional set of address number installed that is visible from said alley or thoroughfare. These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm) for R-3 occupancies, for all other occupancies the numbers shall be a minimum of 6 inches high with a minimum stroke width of 1 inch. Where access is by a private road and the building cannot be viewed from the *public way*, a monument, pole or other sign or means shall be used to identify the structure.

27. Subsection 701A.1 of Section 701A of CBC is hereby amended to read as follows:

701A.1 Scope. This chapter applies to building materials, systems and/or assemblies used in the exterior design and construction of new buildings and qualifying alterations/additions located in any Fire Hazard Severity Zone or Wildland-Urban Interface Fire Area designated by the enforcing agency as defined in Section 702A.

28. Subsection 701A.3 of Section 701A of CBC is hereby amended by deleting exception number 4 and amending the first paragraph to read as follows:

701A.3 Application. New buildings and qualifying alterations/additions (as defined in 701A.3.1.1 below) located in any Fire Hazard Severity Zone or Wildland-Urban Interface Fire Area designated by the enforcing agency constructed after the application date shall comply with the provisions of this chapter.

29. Subsection 701A.3.1 of Section 701A of CBC is hereby amended by deleting the words "all sections of this chapter, including all of the following areas" and by adding item #4 to read as follows:

4. Land designated by the City of Dana Point as defined in Fig 701A-1 (Ember Zones 1 & 2) shall comply only with section 701A.3.2 and 701A.3.3. These requirements shall be applicable to building permits submitted on or after the effective date of the local ordinance. Ember Zones 1 & 2 shall not be considered Wildland Urban Interface Fire Area.

30. A new Subsection 701A.3.1.1 is hereby added to Section 701A of CBC to read in its entirety as follows:

701A.3.1.1 Existing Buildings. When an existing building undergoes alterations or additions, only those construction elements altered or added to the original structure shall comply with this chapter.

31. A new Subsection 701A.3.2 is hereby added to Section 701A of CBC to read in its entirety as follows:

**701A.3.2 Construction Features Designated by the Enforcing Agency:
Ember Zone 1.**

New buildings and qualifying alterations/additions located within Ember Zone 1 for which an application for a building permit is submitted on or after the effective date of this ordinance shall comply only with the following sections of this chapter:

1. 703A - Standards of Quality, as applicable
2. 704A - Ignition Resistant Construction, as applicable
3. 705A - Roofing
4. 706A - Vents

32. A new Subsection 701A.3.3 is hereby added to Section 701A of CBC is hereby amended to read as follows:

**701A.3.3 Construction Features Designated by the Enforcing Agency:
Ember Zone 2.**

New buildings and qualifying alterations/additions located within Ember Zone 2 for which an application for a building permit is submitted on or after the effective date of this ordinance shall comply only with the following sections of this chapter:

1. 703A - Standards of Quality, as applicable
2. 704A - Ignition Resistant Construction, as applicable
3. 705A - Roofing
4. 706A - Vents
5. Decking

Decks, porches, balconies and stairs shall comply with the requirements of Section 709A when a) the walking surface area of a single deck or balcony is greater than 100 square feet (increased to 120 square feet when connected to a stair), and b) located within 100 feet of fuel modification or open space containing unmanaged, non-irrigated vegetation.

Decking within a Fuel Modification Zone. Decking located within any portion of a fuel modification zone shall be entirely non-combustible.

6. Accessory Structures

Applicability. The provision of this section shall apply to patio covers located closer than 100 feet from fuel modification or open space containing unmanaged, non-irrigated vegetation.

Requirements. The patio covers shall be constructed of noncombustible or ignition-resistant materials.

Exception: When the construction features meet all of the following:

- A. Columns: Minimum dimension of 4x4 (nominal dimension in inches)
- B. Horizontal beams: Minimum 4x6 (nominal dimension in inches)
- C. Top horizontal members: A minimum of 2-inch spacing is provided between the members.
- D. The ledger meets the ignition-resistant material definition as prescribed in CBC Section 702A.

33. Subsection 710A.3.2 of Section 710A of CBC is hereby amended to read as follows:

710A.3.2 Detached accessory structures within 50 feet of an applicable building shall comply with the requirements of this section.

34. Subsection 710A.4 of Section 710A of CBC is hereby amended to read as follows:

710A.4 Requirements. Accessory structures shall be constructed of non-combustible or ignition-resistant materials.

35. Subsection [F] 903.2 of Section 903 of CBC is hereby amended to read in its entirety as follows:

[F] 903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in this section and in Section 903.2 of the California Fire Code as amended by the City of Dana Point as follows:

1. **New buildings:** In addition to the requirements of section 903.2.1 through 903.2.13, approved automatic sprinkler systems in new buildings and structures shall be provided as follows (Exception: Group R Detached one-two-family dwellings and townhouses as required by section 903.2.8):
 - 1.1 Throughout all Groups A, I, E, and H Occupancies.
 - 1.2 Throughout all Group B, F, M, and S Occupancies exceeding 1,000 square feet.
 - 1.3 Throughout all Group U Occupancies exceeding 6,000 square feet.

For the purposes of this section, fire walls shall not define separate buildings.

2. **Existing building:**

1. **Alteration:** When the floor area of the Alteration within any two-year period exceeds 75% of area of the existing structure and the alteration includes structural modifications other than seismic upgrade.
 2. **Addition:** Sprinkler protection shall be provided throughout the entire building when:
 1. Existing building less than 5,000 ft²: where 20% or more is added and the gross floor area exceeds 5,000 square feet.
 2. Existing building equal or greater than 5,000 ft²: where more than 1,000 ft² is added.
 3. The existing building has fire sprinklers installed.
36. Subsection [F] 903.2.8 of Section 903 of CBC is hereby amended to read in its entirety as follows:

[F] 903.2.8 Group R. An automatic sprinkler system installed in accordance with Subsection 903.3 of Section 903 of this code and Subsection 903.2.8 of Section 903 of the California Fire Code as amended by the City of Dana Point shall be provided throughout all buildings with a Group R fire area as follows:

1. All new Group R occupancies, including the attached garages.
2. All existing Group R occupancies and U garages when the total floor area is increase by 50% of the existing area over a 2-year period.
3. All existing Group R occupancies and U garages when the total area is increased by 750 square feet or more over a 2-year period.
4. All existing Group R occupancies and U garages when an additional story is added to the structure regardless of the area involved.
5. An automatic sprinkler system shall be installed throughout any existing Group R Occupancy building when the floor area of the Alteration or Combination of an Addition and Alteration, within any two year period, is 50% or more of area/value of the existing structure and where the scope of the work exposes building framing and facilitates sprinkler installation and is such that the Building/Fire Code Official determines that the complexity of installing a sprinkler system would be similar as in a new building.
6. Any addition to an existing building which has fire sprinklers installed.

Exceptions:

1. Existing Group R-3 occupancies converted to Group R-3.1 occupancies not housing bedridden clients, not housing nonambulatory clients above the first floor and not housing clients above the second floor.
2. Existing Group R-3 occupancies converted to Group R-3.1 occupancies housing only one bedridden client and complying with Section 425.8.3.3.
3. Pursuant to Health and Safety Code Section 13113 occupancies housing ambulatory children only, none of whom are mentally ill or mentally retarded, and the buildings or portions thereof in which such children are

housed are not more than two stories in height, and buildings or portions thereof housing such children have an automatic fire alarm system activated by approved smoke detectors.

4. Pursuant to Health and Safety Code Section 13143.6 occupancies licensed for protective social care which house ambulatory clients only, none of whom is a child (under the age of 18 years), or who is elderly (65 years of age or over).

When not used in accordance with Section 504.2 or 506.3 an automatic sprinkler system installed in accordance with Subsection 903.3.1.2 shall be allowed in Group R-2.1 occupancies.

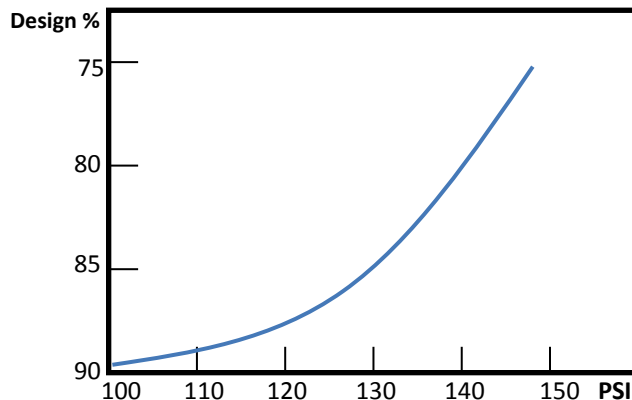
An automatic sprinkler system designed in accordance with Subsection 903.3.1.3 shall not be utilized in Group R-2.1 or R-4 occupancies.

37. Subsection [F] 903.3.5.3 of Section 903 of CBC is hereby added to read as follows:

903.3.5.3 Hydraulically calculated systems. The design of hydraulically calculated fire sprinkler systems shall not exceed 90% of the water supply capacity.

Exception: When static pressure exceeds 100 psi, and when required by the fire code official, the fire sprinkler system shall not exceed the water supply capacity specified by Table 903.3.5.3.

TABLE 903.3.5.3
Hydraulically Calculated Systems



38. Subsection [F] 905.4 of Section 905 of CBC is hereby amended by adding item 7 as follows:

- 7. The centerline of the 2.5" (64mm) outlet shall be no less than 18" (457) above and no more than 24" (610mm) above the finished floor.

39. Subsection [P] 1503.4 of Section 1503 of CBC is hereby amended by adding a second paragraph to read as follows:

Water that accumulates on a roof shall be effectively drained and conveyed from the roof to a storm drain, street gutter, or other locations approved by the Building Official. Such water shall be conveyed through gutters, leaders, associated piping or other non-erodible surface drainage devices as approved by the Building Official. For any minor or small roofs, the Building Official may exempt this requirement.

40. Table 1505.1 in Subsection 1505.1 of Section 1505 of CBC is hereby amended to read as follows:

TABLE 1505.1^a
MINIMUM ROOF COVERING CLASSIFICATION
FOR TYPES OF CONSTRUCTION

IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A	A	A	A	A	A	A	A	A

For SI: 1 Foot = 304.8 mm, 1 square foot = 0.0929 m²

a. Unless otherwise required in accordance with Chapter 7A

41. Subsections 1505.1.1, 1505.1.2, 1505.1.3 of Section 1505 of CBC are hereby deleted and replaced with new Subsections 1505.1.1 and 1505.1.2 to read in its entirety as follows:

1505.1.1 Roof Coverings. The roof covering or roofing assembly on any new structure regulated by this code shall be Class A fire retardant roof minimum as classified in Section 1505.2. Non-combustible roof covering may be applied in accordance with the manufacturer’s requirements in lieu of a fire retardant roofing assembly. Wood roofing materials are prohibited unless pressure treated and approved for fire retardant of Class A minimum. For existing structure when ten percent (10%) or more of the total roof area is re-roofed within any one-year period, shall have a Class A fire retardant roof covering for entire roof area. For existing structure when less than ten percent (10%) of the total roof area is re-roofed within any one-year period, shall have a fire retardant roof covering class equal to or greater than the existing roof covering and not less than Class B.

1505.1.2 Certification. Contractors installing roof assemblies or the building owner shall, prior to final approval of installation, provide a certificate of the roof assembly classification to the building inspector upon request.

42. Subsection 1807.1.6 of Section 1807 of CBC is hereby amended to read as follows:

1807.1.6 Prescriptive design of concrete and masonry foundation walls. Concrete and masonry foundation walls that are laterally supported at the top and bottom shall be permitted to be designed and constructed in accordance with this section. Prescriptive design of foundation walls shall not be used for structures assigned to Seismic Design Category D, E or F.

43. The first sentence of Subsection 3109.3 of Section 3109 of CBC is hereby amended to read as follows:

3109.3 Public swimming pools. Public swimming pools shall be completely enclosed by a fence at least 5 feet in height or a screen enclosure. (Balance of the section to remain unchanged)

44. The exception in Subsection 3109.4 of Section 3109 of CBC is hereby deleted.

45. The first sentence of Subsection 3109.4.1 of Section 3109 of CBC is hereby amended to read as follows:

3109.4.1 Barrier height and clearances. The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier that faces away from the swimming pool. (Balance of the section to remain unchanged)

46. The first paragraph of section 3109.4.4.2 of Section 3109 is hereby amended to read as follows:

3109.4.4.2 Construction permit; safety features required. New pools or spas: Commencing January 1, 2007, except as provided in Section 3109.4.4.5, whenever a building permit is issued for construction of a new swimming pool or spa, or any building permit is issued for remodeling of an existing pool or spa, at a private, single-family home, it shall have an enclosure complying with 3109.4.4.3 and, it shall be equipped with at least one of the following seven drowning prevention safety features:

47. A new Subsection 3109.7 is hereby added to Section 3109 of CBC to read as follows:

3109.7 Sound Attenuation. Filters, heating systems, and pumps installed to serve pool, spa, hot tub, waterfall or any body of water, shall be enclosed and soundproofed. An acoustical report prepared by a licensed or approved acoustical professional can be used to substitute for sound wall enclosures as long as the report demonstrates the compliance of the requirements specified in Chapter 11.10 of the Dana Point Municipal Code.

48. **Chapter 35 Referenced Standards** is adopted in its entirety with the following amendments:

NFPA 13, 2016 Edition, Standard for the Installation of Sprinkler Systems is hereby amended as follows:

Section 6.7.3 is hereby revised to read as follows:

6.7.3 Fire department connections (FDC) shall be of an approved type. The location shall be approved and be no more than 150 feet from a public hydrant. The FDC may be located within 150 feet of a private fire hydrant when approved by the fire code official. The size of piping and the number of 2½" inlets shall be approved by the fire code official. If acceptable to the water authority, it may be installed on the backflow assembly. Fire department inlet connections shall be painted OSHA safety red or as approved. When the fire sprinkler density design requires more than 500 gpm (including inside hose stream demand), or a standpipe system is included, four 2½" inlets shall be provided.

Section 8.3.3.1 is hereby revised to read as follows:

8.3.3.1 When fire sprinkler systems are installed in shell buildings of undetermined use (Spec Buildings) other than warehouses (S occupancies), fire sprinklers of the quick-response type shall be used. Use is considered undetermined if a specific tenant/occupant is not identified at the time the fire sprinkler plan is submitted. Sprinklers in light hazard occupancies shall be one of the following:

1. Quick-response type as defined in 3.6.4.8
2. Residential sprinklers in accordance with the requirements of 8.4.5
3. Quick response CMSA sprinklers
4. ESFR sprinklers
5. Standard-response sprinklers used for modifications or additions to existing light hazard systems equipped with standard-response sprinklers
6. Standard-response sprinklers used where individual standard-response sprinklers are replaced in existing light hazard systems

Section 11.1.1.1 is hereby added as follows:

11.1.1.1 When fire sprinkler systems are required in buildings of undetermined use other than warehouses, they shall be designed and installed to have a fire sprinkler density of not less than that required for an Ordinary Hazard Group 2 use, with no reduction(s) in density or design area. Warehouse fire sprinkler systems shall be designed to Figure 16.2.1.3.2 (d) curve "G". Use is considered undetermined if a specific tenant/occupant is not identified at the time the sprinkler plan is submitted. Where a subsequent use or occupancy requires a system with greater capability, it shall be the responsibility of the occupant to upgrade the system to the required density for the new use or occupancy.

Section 11.2.3.1.1.1 is hereby added as follows:

11.2.3.1.1.1 The available water supply for fire sprinkler system design shall be determined by one of the following methods, as approved by the fire code official:

- 1) Subtract the project site elevation from the low water level for the appropriate pressure zone and multiply the result by 0.433;
- 2) Use a maximum of 40 psi, if available;
- 3) Utilize the OCFA water-flow test form/directions to document a flow test conducted by the local water agency or an approved third party licensed in the State of California.

NFPA 13D 2016 Edition, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes is hereby amended as follows:

Section 7.1.2 is hereby revised to read as follows:

7.1.2 The sprinkler system piping shall not have separate control valves installed unless supervised by a central station, proprietary, or remote station alarm service.

NFPA 14, 2013 Edition, Installation of Standpipe and Hose Systems is hereby amended as follows:

Section 7.3.1.1 is hereby revised to read as follows:

7.3.1.1 Class I and III Standpipe hose connections shall be unobstructed and shall be located not less than 18 inches or more than 24 inches above the finished floor. Class II Standpipe hose connections shall be unobstructed and shall be located not less than 3 feet or more than 5 feet above the finished floor.

NFPA 24, 2016 Edition, Standard for the Installation of Private Fire Service Mains and Their Appurtenances is hereby amended as follows:

Section 6.2.8.1 is hereby added as follows:

6.2.8.1 All indicating valves controlling fire suppression water supplies shall be painted OSHA red.

Exceptions:

1. Brass or bronze valves on sprinkler risers mounted to the exterior of the building may be left unpainted.
2. Where OS&Y valves on the detector check assembly are the only control valves, at least one OS&Y valve shall be painted red.

Section 6.2.9 is hereby revised to read as follows:

All connections to private fire service mains for fire protection systems shall be arranged in accordance with one of the following so that they can be isolated:

- (1) A post indicator valve installed not less than 40 ft (12 m) from the building
 - (a) For buildings less than 40 ft (12 m) in height, a post indicator valve shall be permitted to be installed closer than 40 ft (12 m) but at least as far from the building as the height of the wall facing the post indicator valve.
- (2) A wall post indicator valve
- (3) An indicating valve in a pit, installed in accordance with Section 6.4
- (4) A backflow preventer with at least one indicating valve not less than 40 ft (12 m) from the building
 - (a) For buildings less than 40 ft (12 m) in height, a backflow preventer with at least one indicating valve shall be permitted to be installed closer than 40 ft (12 m) but at least as far from the building as the height of the wall facing the backflow preventer.
- (5) Control valves installed in a fire-rated room accessible from the exterior
- (6) Control valves in a fire-rated stair enclosure accessible from the exterior

Section 10.1.5 is hereby added as follows:

10.1.5 All ferrous pipe and joints shall be polyethylene encased per AWWA C150, Method A, B, or C. All fittings shall be protected with a loose 8-mil polyethylene tube or sheet. The ends of the tube or sheet shall extend past the joint by a minimum of 12 inches and be sealed with 2 inch wide tape approved for underground use. Galvanizing does not meet the requirements of this section.

Exception: 304 or 316 Stainless Steel pipe and fittings

Section 10.4.1.1 is hereby revised to read as follows:

10.4.1.1 All bolted joint accessories shall be cleaned and thoroughly coated with asphalt or other corrosion-retarding material after installation.

Exception: Bolted joint accessories made from 304 or 316 stainless steel.

Section 10.4.1.1.1 is hereby added as follows:

10.4.1.1.1 All bolts used in pipe-joint assembly shall be 316 stainless steel.

Section 10.4.3.2 is hereby revised to read as follows:

10.4.3.2 Where fire service mains enter the building adjacent to the foundation, the pipe may run under a building to a maximum of 24 inches, as measured from the interior face of the exterior wall to the center of the vertical pipe. The pipe under the building or building foundation shall be 304 or 316 stainless steel and shall not contain mechanical joints or it shall comply with 10.4.3.2.1 through 10.4.3.2.4.

Section 4. Section 8.03.001 of Chapter 8.03 entitled "Adoption of the California Residential Code" is hereby amended to read in its entirety as follows:

The City Council of the City of Dana Point hereby adopts for the purpose of prescribing regulations for the erection, construction, enlargement, alteration, repair, improving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of all buildings and structures by reference the California Code of Regulations Title 24, Part 2.5, known and designated as the California Residential Code (CRC), 2016 Edition, based on the 2015 International Residential Code with Appendix V Swimming Pools Spas and Hot Tubs as published by the International Code Council, including Division II in Chapter 1 and Appendix H and O and with the modifications set forth below. The provisions of this code shall constitute the One- and Two-Family and Townhouse building code regulations of the City. The California Residential Code is on file for public examination in the office of the City Clerk.

Section 5. Section 8.03.010 of Chapter 8.03 of the Dana Point Municipal Code entitled "Amendments, Additions and Deletions" is hereby amended to read in its entirety as follows.

1. Subsection R101.1 of Section R101 of Division II of CRC is hereby amended to read in its entirety as follows:

R101.1 Title. These regulations shall be known as the California Residential Code for One- and Two-family Dwellings and Townhouses of the City of Dana Point, hereinafter referred to as "this code."

2. Subsection R101.2 of Section R101 of Division II of CRC is hereby amended to add a second paragraph that reads:

The provisions of this codes shall apply to and affect all of the territory of the City of Dana Point, except work located primarily in a public way, public utility towers and poles, mechanical equipment not specifically regulated in these codes, hydraulic flood control structures, facilities for the production, generation, storage or transmission of water or electrical energy by a local agency unless requested otherwise by the local authority/agency.

3. Subsection R105.2 of Section 105 of Division II of CRC is hereby amended by deleting items 1 through 10 under "Building" and replacing them with the following:

Building:

1. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses and structures such as portable shade cloth structures, provided the floor area does not exceed 120 square feet (11 m²). Such structures must comply with the setback and height requirements of the City Zoning Ordinance and the Fire Code.
2. Masonry or concrete fences not over 36 inches (914 mm) in height above lowest adjacent grade, and all other fences not over six (6) feet (1,829 mm) in height above lowest adjacent grade.

Exception: Walls and fences less than six (6) feet (1,829 mm) in height which are required as a condition of project approval, guard system or pool barrier system are required to have permits.

3. Oil derricks.
4. Retaining walls that are not over three (3) feet (914 mm) in height measured from the bottom of footing to the top of wall unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1.
6. Decks, platforms or similar structures, walkways, sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting and similar finish work that does not involve electrical, mechanical or plumbing work and providing this work is not part of a Code Enforcement case or action.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 18 inches (457 mm) deep, do not exceed 5,000 gallons and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.

12. Window awnings supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support of Group R-3 and U occupancies.
13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over five (5) feet nine (9) inches (1,753 mm) in height.
14. Radio and television antenna, and flagpoles not over twelve (12) feet (3,658 mm) in height measured from grade.

Unless otherwise exempted, separate plumbing, electrical and mechanical permits will be required for the above-exempted items.

Any of the above items that are located on a Coastal Bluff, Flood Plain Overlay District, Environmentally Sensitive Area or subject to a discretionary Planning Division approval or as otherwise required by the Planning Division or any other authority/agency is not exempt from permits.

4. Subsection R105.3.1 of Section R105 of Division II of CRC is hereby amended to read as follows:

R105.3.1 Action on Application. The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, or if the building, structure, or property is not in compliance with any and all federal, state, local laws, and ordinances and all fines, levies, and abatement cost are not paid in full, the building official shall reject such application in writing, stating the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirement of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefor as soon as possible. The building official shall not issue any permits to an applicant if the building, structure, or property is not in compliance with all federal, state, local laws, and ordinances and all fines, levies, and abatement cost are not paid in full.

5. Subsection R105.3.2 of Section R105 of Division II of CRC is hereby amended to read in its entirety as follows:

R105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or permit has been issued; except that the building official is authorized to grant one extension of time for additional periods not exceeding 180 days. The extension shall be requested in writing and justifiable cause demonstrated. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan check fee.

6. Subsection R105.5 of Section R105 of Division II of CRC is hereby amended to read in its entirety as follows:

R105.5 Expiration. Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days. Before such work can be re-commenced a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work; provided, however, that:

1. No changes have been made or will be made in the original plans and specifications for such work; and
2. Such suspension or abandonment has not exceeded one (1) year; and
3. A re-endorsement of the compliance of the plans with the applicable regulations, by the Building Official, shall be obtained.

In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding one hundred eighty (180) days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. Such written request shall be submitted no later than sixty (60) days after expiration of the permit. No permit shall be extended more than once.

7. A new Subsection R105.10 is hereby added to Section R105 of Division II of CRC to read in its entirety as follows:

R105.10 Maintenance of property during construction. During construction, all property shall be maintained in a reasonably clean and well-kept manner. All lumber and building materials shall be neatly piled or stacked in a safe manner and stored in the rear yard of the residential property or inside the building construction perimeter, except that building materials may be stored in a front yard for a period not to exceed thirty (30) days. A waiver of this requirement may be obtained from the Building Official or his/her designated representative if the construction is screened from view from adjacent occupied or public property with fencing materials approved by city zoning and building regulations.

8. A new Subsection R105.11 is hereby added to Section 105 of Division II of CRC to read in its entirety as follows:

R105.11 Requirement and Responsibility of Permittee. Permittee. Permits as required by this Chapter shall be issued only to the following individuals:

1. **Duly Licensed Contractor/Contractor Proxy.** A duly licensed contractor acting in compliance with the provisions of Sections 7000 through 7199 of the California Business and Professions Code, or a contractor proxy acting for a duly licensed contractor acting in compliance with the provisions of Sections 7000 through 7199 of the California Business and Professions Code with the completed Contractor Permit Proxy form in compliance with Section 7031.5 of the California Business and Professions Code.

2. **Owner Builder/Authorized Agent of the Owner Builder.** An owner of a one- or two-family dwelling and related accessory building or structure acting in compliance with the provisions of Section 7044 of the California Business and Professions Code, or an agent authorized to act on behalf of an owner acting in compliance with the provisions of Section 7044 of the California Business and Professions Code with the completed Authorization of Agent to Act on Owner's Behalf form in compliance with Section 19825 of the California Health and Safety Code; provided however, that the improvements of the property are not intended or offered for sale, the owner occupies and is their principal place of residence or intends to occupy one (1) of the units where such permit is to be obtained for the twelve (12) months prior to the completion of the work, and the owner has not performed work on more than two (2) buildings or structures during any three-year period.

3. **Workers' compensation insurance verification.** The Department is required by Section 3800(a) of the California Labor Code to verify workers' compensation insurance prior to issuing a permit. The permittee shall sign a declaration under penalty of perjury verifying Workers' Compensation Coverage or exemption from coverage as required by Section 19825 of the California Health and Safety Code.

4. **Responsibility.** Permits shall be presumed to incorporate the provision that the permittee, the permittee's agent, employees, contractors or subcontractors shall carry out the proposed work in accordance with the approved construction documents and with all provisions of this Title, municipal code or other ordinances of the City or laws and statutes of the State applicable thereto, whether specified or not. No approval shall relieve or exonerate any person from the responsibility of complying with the provisions and intent of this Title, municipal code or other ordinances of the City or laws and statutes of the State applicable thereto.

Permits issued are the responsibility of the applicant/permittee/property owner and to be maintained in an active state until final inspection is granted or obtained. An applicant/permittee of a permit which allows said permit to expire is in violation of this code.

9. Subsection R106.1 of Section R106 of Division II of CRC is hereby amended to read as follows:

R106.1 Submittal Documents. Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed, these documents also include Electrical/Mechanical/Plumbing plans and load calculations for the one and two-family dwellings meeting the threshold outlined in the policy. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

10. A new Subsection R106.2.1 is added to Section R106 of Division II of CRC to read in its entirety as follows:

R106.2.1 Soil report. A Soil report shall be submitted with all permit applications for new construction and additions. Soil Reports shall be prepared by a professional engineer licensed by the State to prepare such reports. The Building Official may waive this requirement if he/she finds that the scope of work applied for does not necessitate a soil report.

11. Subsection R106.3 of Section R106 of Division II of CRC is hereby amended to add a second paragraph that reads as follows:

When submittal documents are required by Section R106.1, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fees are separate fees from the permit fees specified in Section R108.2 and are in addition to the permit fees. Said plan review fee shall be as set forth in the City Council Fee Resolution. The initial plan review fee is for one complete review and one re-check review. Reviews beyond the initial and the re-check shall require addition fees as set forth in the City Council Fee Resolution.

12. Subsection R106.5 of Section R106 of Division II of CRC is hereby amended to add a second paragraph that reads as follows:

The approved plans, permit application and inspection card and other construction documents required by the Building Official shall be imaged after the final

inspection and will be a permanent record in the City. The applicant shall pay the cost of imaging at the time of permit. Said imaging fee shall be as set forth in the City Council Fee Resolution.

13. Subsection R108.2 of Section R108 of Division II of CRC is hereby amended by adding a sentence at the end to read as follows:

The fee for each permit shall be as set forth in the City Council Fee Resolution unless otherwise specified by this code.

14. Subsection R108.3 of Section R108 of Division II of CRC is hereby amended to add a second paragraph that reads as follows:

The Building Official shall make the determination of value or valuation under any provisions of this code. The valuation shall be determined by using rational methods established by the Building Official that reasonably establish the construction value or the contract price of the actual construction cost. The value of work to be used in computing the Building Permit and Building Plan Review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment.

15. Subsection R108.5 of Section R108 of Division II of CRC is hereby amended to read in its entirety as follows:

R108.5 Refunds. The building official may authorize refunding of any fee paid hereunder which was erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review has been paid is withdrawn or canceled before any plan reviewing is done.

The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of payment. No refund will be made for less than \$25.00. Permit and plan check fees will be refunded in their entirety then collected in error.

16. Subsection R108.6 of Section R108 of Division II of CRC is hereby amended to add a second paragraph that reads as follows:

An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the

amount of the permit fee required by this code. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

17. A new Subsection R109.5 is hereby added to Section R109 of Division II of CRC to read in its entirety as follows:

R109.5 Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

This subsection is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this Code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

Reinspection fees may be assessed when the inspection record card is not posted or otherwise made available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the Building Official.

To obtain a reinspection, the applicant shall file an application therefore in writing upon a form furnished for that purpose and pay the reinspection fee as established by the City Council Fee Resolution.

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

18. Subsection R110.4 of Section R110 of Division II of CRC is hereby amended to add a second paragraph that reads as follows:

The application fee for such Temporary Certificate of Occupancy shall be as established by the City Council Fee Resolution. The Temporary Certificate of Occupancy may be subject to such conditions as deemed necessary by the Building Official. The Temporary Certificate of Occupancy expires 30 days after issuance and may be renewed for additional 30 day periods upon providing acceptable justification, the payment of a new application fee for each 30 day period and approval by the Building Official. The violation or failure of any such condition imposed shall be grounds for revocation of such Temporary Certificate of Occupancy.

19. Subsection R112.1 of Section R112 of Division II of CRC is hereby amended to read in its entirety as follows:

R112.1 General. In order to hear and decide appeals of the orders, decisions or determinations made by the building official relative to the application and

interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the City Council.

20. Subsection R112.3 of Section R112 of Division II of CRC is hereby deleted.
21. Subsection R113.4 of Section R113 of Division II of CRC is hereby amended to add a second paragraph that reads as follows:

Any person, firms, or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation such person shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

22. A new Section R115 is hereby added to Division II of CRC to read in its entirety as follows.

R115.1 Underground Utilities Required. The Building Official shall, as a condition precedent to the issuance of a Building Permit, require all utility services located within the exterior boundary lines of lot or parcel of property to be installed underground if:

1. The property is to be developed with a new or relocated main building;
2. The remodeling, alteration, or addition to an existing main building exceeds fifty (50) percent of the value and/or area of the existing building;
3. A residential building or use is converted to any nonresidential use or purpose.

For purposes of this section, the term "main building" shall mean a building in which is conducted the principal use of the lot or building site on which it is located.

The owner or developer of the property is responsible for complying with requirements of this section and shall provide all necessary facilities on the property to receive such service from the supplying utilities.

If it is determined that practical difficulties, or unreasonable hardships inconsistent with the purposes of this chapter and unique to a particular parcel of property, would result from the literal interpretation of this section, the Building Official may waive, modify, or delay the imposition of any undergrounding requirement imposed pursuant to the section upon written application of any affected property owner. The Building Official shall notify the applicant of his decision in writing by certified mail. If the Building Official determines to delay the installation of required underground utilities, he may require a recorded agreement guaranteeing the

future performance of the work, together with adequate performance security enforceable by the City in the form of a cash deposit, bond, letter of credit, or other instrument satisfactory to the City Attorney or require the installation of an over/under electrical service with the underground conduit being installed out to an approved pull-box in the parkway in conformance with current utility requirements.

For purposes of this section, appurtenances and associated equipment such as, but not limited to, surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts in an underground system, may be placed above ground.

Any person dissatisfied with the decision of the Building Official may file an appeal pursuant to Section 2.04.100 to 2.04.130 of the Dana Point Municipal Code.

23. Subsection R201.4 of Division II of CRC is hereby amended to replace the first paragraph that reads as follows:

Where terms, phrases and words are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged (1961 edition, through the 2002 addenda), shall be considered as providing ordinarily accepted meaning unless the context requires otherwise.

24. Section R202 of Division II of CRC is hereby amended by adding the following definitions as follows:

FLOOR AREA, FIRE SPRINKLERS. For the purpose of calculating square footage for application of fire sprinkler requirements, the floor area shall be determined to include the entire square footage of a room or designated area where any work or modifications are being made or proposed.

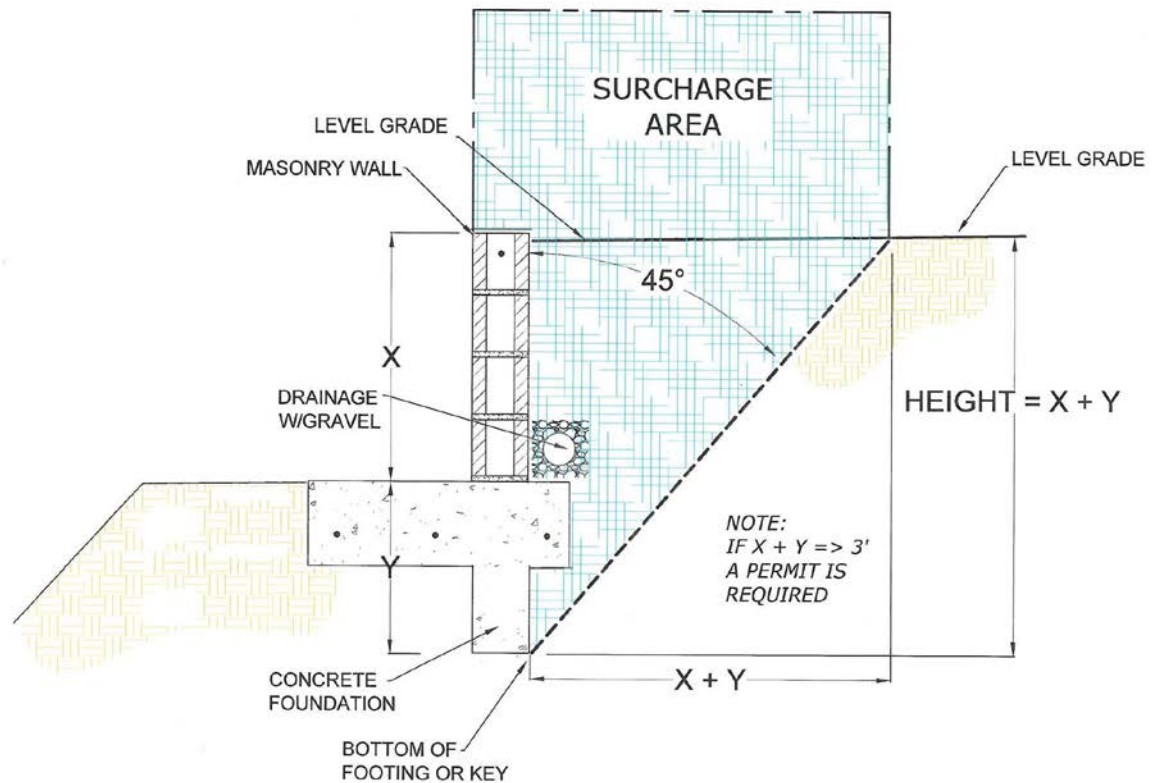
HAZARDOUS FIRE AREA. Includes all areas identified within California Fire Code Section 4906.2 and other areas as determined by the Fire Code Official as presenting a fire hazard due to the presence of combustible vegetation, or the proximity of the property to an area that contains combustible vegetation.

OCFA: Orange County Fire Authority, fire authority having jurisdiction.

SPARK ARRESTER. A listed device constructed of noncombustible material specifically for the purpose of meeting one of the following conditions:

1. Removing and retaining carbon and other flammable particles/debris from the exhaust flow of an internal combustion engine in accordance with California Vehicle Code Section 38366.
2. Fireplaces that burn solid fuel in accordance with California Building Code Chapter 28.

SURCHARGE. A surcharge on a retaining wall is any load in addition to level grade, within that area defined by a 45 degree angle from the bottom of the footing to level grade. Examples of a surcharge may be a building or structure, fence, vehicle, driveway, slope or similar condition above level grade, within the hatched “Surcharge Area” shown in the figure below.



SURCHARGE LOAD. A surcharge load is an additional load superimposed onto the earth pressure force to yield the total lateral force.

SWIMMING POOL(S). Any structure intended for swimming, recreational bathing or wading that contains water over 18 inches deep. This includes in-ground, above-ground and on-ground pools; hot tubs; spas and fixed-in-place wading pools.

25. Table R301.2(1) of Section R301 of Division II of CRC is hereby amended to read as follows:

TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGORY ^f	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP ^e	ICE BARRIER UNDERLAYMENT REQUIRED ^h	FLOOD HAZARDS ^g	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j
	Speed ^d (mph)	Topographic effects ^k	Special wind region ^l	Wind-borne debris zone ^m		Weathering ^a	Frost line Depth ^b	Termite ^c					
Zero	110	No	No	No	D ₂ or E	Negligible	12-24"	Very Heavy	43	No	Yes/No	0	60

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

- a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (i.e., "negligible," "moderate" or "severe") for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.
- b. The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.
- c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
- d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- e. The outdoor design dry-bulb temperature shall be selected from the columns of 971/2-percent values for winter from Appendix D of the *California Plumbing Code*. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official.
- f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.
- g. See City's FIRM maps for Flood Hazard Locations.
- h. In accordance with Sections R905.2.7.1, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."
- i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99%) value on the National Climatic Data Center data table "Air Freezing Index- USA Method (Base 32°)" at www.ncdc.noaa.gov/fpsf.html.
- j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)" at www.ncdc.noaa.gov/fpsf.html.
- k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
- l. In accordance with Figure R301.2(4)A, where there is local historical data documenting unusual wind conditions, the jurisdiction shall fill in this part of the table with "YES" and identify any specific requirements. Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
- m. In accordance with Section R301.2.1.2.1, the jurisdiction shall indicate the wind-borne debris wind zone(s). Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

26. A new Subsection R301.9 is hereby added to Section R301 of CRC to read in its entirety as follows:

R301.9 Fuel Modification Requirements for New Construction. All new structures and facilities adjoining land containing hazardous combustible vegetation shall be approved and in accordance with the requirements of OCFA Guideline C-05 "Vegetation Management Guideline – Technical Design for new Construction Fuel Modification Plans and Maintenance Program."

27. **Subsection R309.6 Fire sprinkler attached garages, and carports with habitable space above** of Section R309 Division II of CRC is hereby amended by modifying the exception to read as follows:

Exception: An automatic residential fire sprinkler system shall not be required when additions or alterations are made to existing carports and/or garages that do not have an automatic fire sprinkler system installed unless a sprinkler system is required in accordance with California Fire Code Section 903.2.8.

28. Subsection R313.1 of Section R313 of Division II of CRC is hereby amended to read in its entirety as follows:

R313.1 Townhouse automatic fire sprinklers systems. An automatic residential fire sprinkler system installed in Townhouses as follows:

New buildings: An automatic sprinkler system shall be installed throughout all new buildings, including the attached garages.

Existing buildings: An automatic sprinkler system shall be installed throughout, including the attached garages, when one of the following conditions exists:

1. All existing Group R occupancies and U garages when the total floor area is increase by 50% of the existing area over a 2-year period.
2. All existing Group R occupancies and U garages when the total area is increased by 750 square feet or more over a 2-year period.
3. All existing Group R occupancies and U garages when an additional story is added to the structure regardless of the area involved.
4. An automatic sprinkler system shall be installed throughout any existing Group R Occupancy building when the floor area of the Alteration or Combination of an Addition and Alteration, within any two year period, is 50% or more of area/value of the existing structure and where the scope of the work exposes building framing and facilitates sprinkler installation and is such that the Building/Fire Code Official determines that the complexity of installing a sprinkler system would be similar as in a new building.
5. Any addition to an existing building which has fire sprinklers installed.

Exceptions:

1. Existing Group R-3 occupancies converted to Group R-3.1 occupancies not housing bedridden clients, not housing nonambulatory clients above the first floor and not housing clients above the second floor.
 2. Existing Group R-3 occupancies converted to Group R-3.1 occupancies housing only one bedridden client and complying with Section 425.8.3.3.
 3. Pursuant to Health and Safety Code Section 13113 occupancies housing ambulatory children only, none of whom are mentally ill or mentally retarded, and the buildings or portions thereof in which such children are housed are not more than two stories in height, and buildings or portions thereof housing such children have an automatic fire alarm system activated by approved smoke detectors.
 4. Pursuant to Health and Safety Code Section 13143.6 occupancies licensed for protective social care which house ambulatory clients only, none of whom is a child (under the age of 18 years), or who is elderly (65 years of age or over).
29. Subsection R313.2 of Section R313 of Division II of CRC is hereby amended to read in its entirety as follows:

R313.2 One- and two-family dwellings automatic fire sprinklers systems. An automatic residential fire sprinkler system installed in one- and two-family dwellings as follows:

New buildings: An automatic sprinkler system shall be installed throughout all new buildings, including the attached garages.

Existing buildings: An automatic sprinkler system shall be installed throughout, including the attached garages, when one of the following conditions exists:

1. All existing Group R occupancies and U garages when the total floor area is increase by 50% of the existing area over a 2-year period.
2. All existing Group R occupancies and U garages when the total area is increased by 750 square feet or more over a 2-year period.
3. All existing Group R occupancies and U garages when an additional story is added to the structure regardless of the area involved.
4. An automatic sprinkler system shall be installed throughout any existing Group R Occupancy building when the floor area of the Alteration or Combination of an Addition and Alteration, within any two year period, is 50% or more of area/value of the existing structure and where the scope of the work exposes building framing and facilitates sprinkler installation and is such that the Building/Fire Code Official determines that the complexity of installing a sprinkler system would be similar as in a new building.
5. Any addition to an existing building which has fire sprinklers installed.

Exceptions:

1. Existing Group R-3 occupancies converted to Group R-3.1 occupancies not housing bedridden clients, not housing nonambulatory clients above the first floor and not housing clients above the second floor.
 2. Existing Group R-3 occupancies converted to Group R-3.1 occupancies housing only one bedridden client and complying with Section 425.8.3.3.
 3. Pursuant to Health and Safety Code Section 13113 occupancies housing ambulatory children only, none of whom are mentally ill or mentally retarded, and the buildings or portions thereof in which such children are housed are not more than two stories in height, and buildings or portions thereof housing such children have an automatic fire alarm system activated by approved smoke detectors.
 4. Pursuant to Health and Safety Code Section 13143.6 occupancies licensed for protective social care which house ambulatory clients only, none of whom is a child (under the age of 18 years), or who is elderly (65 years of age or over).
30. Subsection R313.3.6.2.2 of Section R313 of Division II of CRC is hereby amended by amending the first paragraph to read as follows:

Subsection R313.3.6.2.2 Calculation procedure. Determination of the required size for water distribution piping shall be in accordance with the following procedure and California Fire Code Section 903.3.5.3.

31. Subsection R319.1 of section R319 of Division II of CRC is hereby revised as follows:

R319.1 Address identification. New and existing buildings shall have approved address numbers, building numbers or approved building identification on the building placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm) for R-3 occupancies, for all other occupancies the numbers shall be a minimum of 6 inches high with a minimum stroke width of 1 inch. Where access is by a private road and the building cannot be viewed from the *public way*, a monument, pole or other sign or means shall be used to identify the structure.

32. Subsection R337.1.1 of Section R337 of CRC is hereby amended to read as follows:

R337.1.1 Scope. This chapter applies to building materials, systems and/or assemblies used in the exterior design and construction of new buildings and qualifying alterations/additions located in any Fire Hazard Severity Zone or Wildland-Urban Interface Fire Area designated by the enforcing agency as defined in Section R337.2.

33. Subsection R337.1.3 of Section R337 of CRC is hereby amended by deleting exception number 4 and amending the first paragraph to read as follows:

R337.1.3 Application. New buildings and qualifying alterations/additions (as defined in R337.1.3.1.1 below) located in any Fire Hazard Severity Zone or Wildland-Urban Interface Fire Area designated by the enforcing agency constructed after the application date shall comply with the provisions of this chapter.

34. Subsection R337.1.3.1 of Section R337 of CRC is hereby amended by deleting the words "all sections of this chapter, including all of the following areas" and by adding item #4 to read as follows:

4. Land designated by the City of Dana Point as defined in CBC Fig 701A-1 (Ember Zones 1 & 2) shall comply only with section R337.1.3.2 and R337.1.3.3. These requirements shall be applicable to building permits submitted on or after the effective date of the local ordinance. Ember Zones 1 & 2 shall not be considered Wildland Urban Interface Fire Area.

35. A new Subsection R337.1.3.1.1 is hereby added to Section R337 of CRC to read in its entirety as follows:

R337.1.3.1.1 Existing Buildings. When an existing building undergoes alterations or additions, only those construction elements altered or added to the original structure shall comply with this chapter.

36. A new Subsection R337.1.3.2 is hereby added to Section R337 of CRC to read in its entirety as follows:

R337.1.3.2 Construction Features Designated by the Enforcing Agency: Ember Zone 1.

New buildings and qualifying alterations/additions located within Ember Zone 1 for which an application for a building permit is submitted on or after the effective date of this ordinance shall comply only with the following sections of this chapter:

1. R337.3 - Standards of Quality, as applicable
2. R337.4 - Ignition Resistant Construction, as applicable
3. R337.5 - Roofing
4. R337.6 - Vents

37. A new Subsection R337.1.3.3 is hereby added to Section R337 of CRC is hereby amended to read as follows:

R337.1.3.3 Construction Features Designated by the Enforcing Agency: Ember Zone 2.

New buildings and qualifying alterations/additions located within Ember Zone 2 for which an application for a building permit is submitted on or after the effective date of this ordinance shall comply only with the following sections of this chapter:

1. R337.3 - Standards of Quality, as applicable
2. R337.4 - Ignition Resistant Construction, as applicable
3. R337.5 - Roofing
4. R337.6 - Vents
5. Decking
Decks, porches, balconies and stairs shall comply with the requirements of Section R337.9.3 when a) the walking surface area of a single deck or balcony is greater than 100 square feet (increased to 120 square feet when connected to a stair), and b) located within 100 feet of fuel modification or open space containing unmanaged, non-irrigated vegetation.

Decking Within a Fuel Modification Zone. Decking located within any portion of a fuel modification zone shall be entirely non-combustible.

6. Accessory Structures
Applicability. The provision of this section shall apply to patio covers located closer than 100 feet from fuel modification or open space containing unmanaged, non-irrigated vegetation.

Requirements. The patio covers shall be constructed of noncombustible or ignition-resistant materials.

Exception: When the construction features meet all of the following:

- A. Columns: Minimum dimension of 4x4 (nominal dimension in inches)
- B. Horizontal beams: Minimum 4x6 (nominal dimension in inches)
- C. Top horizontal members: A minimum of 2-inch spacing is provided between the members.
- D. The ledger meets the ignition-resistant material definition as prescribed in CBC Section 702A.







38. Subsection R405.1 of in Section R405 of Division II of CRC is hereby amended by deleting the exception.
39. Table R602.10.3(3) of Section R602 of Division II of CRC is hereby amended to read as follows:

TABLE R602.10.3(3)
BRACING REQUIREMENTS BASED ON SEISMIC DESIGN CATEGORY

<ul style="list-style-type: none"> • SOIL CLASS D^b • WALL HEIGHT = 10 FEET • 10 PSF FLOOR DEAD LOAD • 15 PSF ROOF/CEILING DEAD LOAD • BRACED WALL LINE SPACING ≤ 25 FEET 			MINIMUM TOTAL LENGTH (FEET) OF BRACED WALL PANELS REQUIRED ALONG EACH BRACED WALL LINE ^a				
Seismic Design Category	Story Location	Braced Wall Line Length (feet)	Method LIB ^c	Method GB ^e	Methods DWB, SFB, PBS, PCP, HPS, CS-SFB ^{d, f}	Method WSP	Methods CS-WSP, CS-G
C (townhouses only)		10	2.5	2.5	2.5	1.6	1.4
		20	5.0	5.0	5.0	3.2	2.7
		30	7.5	7.5	7.5	4.8	4.1
		40	10.0	10.0	10.0	6.4	5.4
		50	12.5	12.5	12.5	8.0	6.8
		10	NP	4.5	4.5	3.0	2.6
		20	NP	9.0	9.0	6.0	5.1
		30	NP	13.5	13.5	9.0	7.7
		40	NP	18.0	18.0	12.0	10.2
		50	NP	22.5	22.5	15.0	12.8
		10	NP	6.0	6.0	4.5	3.8
		20	NP	12.0	12.0	9.0	7.7
		30	NP	18.0	18.0	13.5	11.5
		40	NP	24.0	24.0	18.0	15.3
		50	NP	30.0	30.0	22.5	19.1
D ₀		10	NP	2.8 5.6	2.8 5.6	1.8	1.6
		20	NP	5.5 11.0	5.5 11.0	3.6	3.1
		30	NP	8.3 16.6	8.3 16.6	5.4	4.6
		40	NP	11.0 22.0	11.0 22.0	7.2	6.1
		50	NP	13.8 27.6	13.8 27.6	9.0	7.7
		10	NP	5.3 NP	5.3 NP	3.8	3.2
		20	NP	10.5 NP	10.5 NP	7.5	6.4
		30	NP	15.8 NP	15.8 NP	11.3	9.6
		40	NP	21.0 NP	21.0 NP	15.0	12.8
		50	NP	26.3 NP	26.3 NP	18.8	16.0
		10	NP	7.3 NP	7.3 NP	5.3	4.5
		20	NP	14.5 NP	14.5 NP	10.5	9.0
		30	NP	21.8 NP	21.8 NP	15.8	13.4
		40	NP	29.0 NP	29.0 NP	21.0	17.9
		50	NP	36.3 NP	36.3 NP	26.3	22.3

(continued)

TABLE R602.10.3(3)—continued
BRACING REQUIREMENTS BASED ON SEISMIC DESIGN CATEGORY

<ul style="list-style-type: none"> • SOIL CLASS D^b • WALL HEIGHT = 10 FEET • 10 PSF FLOOR DEAD LOAD • 15 PSF ROOF/CEILING DEAD LOAD • BRACED WALL LINE SPACING ≤ 25 FEET 			MINIMUM TOTAL LENGTH (FEET) OF BRACED WALL PANELS REQUIRED ALONG EACH BRACED WALL LINE ^c					
Seismic Design Category	Story Location	Braced Wall Line Length (feet)	Method LIB ^d	Method GB ^e	Methods DWB, SFB, PBS, PCP, HPS, CS-SFB ^{d,e}	Method WSP	Methods CS-WSP, CS-G	
D ₁		10	NP	3.0 8.0	3.0 8.0	2.0	1.7	
		20	NP	6.0 12.0	6.0 12.0	4.0	3.4	
		30	NP	9.0 18.0	9.0 18.0	6.0	5.1	
		40	NP	12.0 24.0	12.0 24.0	8.0	6.8	
		50	NP	15.0 30.0	15.0 30.0	10.0	8.5	
		10	NP	6.0 NP	6.0 NP	4.5	3.8	
		20	NP	12.0 NP	12.0 NP	9.0	7.7	
		30	NP	18.0 NP	18.0 NP	13.5	11.5	
		40	NP	24.0 NP	24.0 NP	18.0	15.3	
		50	NP	30.0 NP	30.0 NP	22.5	19.1	
		10	NP	8.5 NP	8.5 NP	6.0	5.1	
		20	NP	17.0 NP	17.0 NP	12.0	10.2	
		30	NP	25.5 NP	25.5 NP	18.0	15.3	
		40	NP	34.0 NP	34.0 NP	24.0	20.4	
		50	NP	42.5 NP	42.5 NP	30.0	25.5	
D ₂		10	NP	4.0 8.0	4.0 8.0	2.5	2.1	
		20	NP	8.0 16.0	8.0 16.0	5.0	4.3	
		30	NP	12.0 24.0	12.0 24.0	7.5	6.4	
		40	NP	16.0 32.0	16.0 32.0	10.0	8.5	
		50	NP	20.0 40.0	20.0 40.0	12.5	10.6	
		10	NP	7.5 NP	7.5 NP	5.5	4.7	
		20	NP	15.0 NP	15.0 NP	11.0	9.4	
		30	NP	22.5 NP	22.5 NP	16.5	14.0	
		40	NP	30.0 NP	30.0 NP	22.0	18.7	
		50	NP	37.5 NP	37.5 NP	27.5	23.4	
		10	NP	NP	NP	NP	NP	NP
		20	NP	NP	NP	NP	NP	NP
		30	NP	NP	NP	NP	NP	NP
		40	NP	NP	NP	NP	NP	NP
		50	NP	NP	NP	NP	NP	NP
Cripple wall below one- or two-story dwelling	10	NP	NP	NP	NP	7.5	6.4	
	20	NP	NP	NP	NP	15.0	12.8	
	30	NP	NP	NP	NP	22.5	19.1	
	40	NP	NP	NP	NP	30.0	25.5	
	50	NP	NP	NP	NP	37.5	31.9	

For SI: 1 inch = 25.4 mm, 1 foot = 305 mm, 1 pound per square foot = 0.0479 kPa.

a. Linear interpolation shall be permitted.

b. Wall bracing lengths are based on a soil site class "D." Interpolation of bracing length between the S_w values associated with the Seismic Design Categories shall be permitted when a site-specific S_w value is determined in accordance with Section 1613.3 of the *International Building Code*.

c. Method LIB shall have gypsum board fastened to at least one side with nails or screws per Table R602.3(1) for exterior sheathing or Table R702.3.5 for interior gypsum board. Spacing of fasteners at panel edges shall not exceed 8 inches.

d. Method CS-SFB applies in SDC C only.

e. Methods GB and PCP braced wall panel h/w ratio shall not exceed 1:1 in SDC D0, D1 or D2. Methods DWB, SFB, PBS, and HPS are not permitted in SDC D0, D1, or D2.

40. Subsections R902.1.1, R902.1.2, R902.1.3 of Section R902 of Division II of CRC are hereby deleted and replaced with new Subsections R902.1.1 and R902.1.2 to read in its entirety as follows:

R902.1.1 Roof Coverings. The roof covering or roofing assembly on any new structure regulated by this code shall be Class A fire retardant roof minimum as classified in Section 1505.2 of the CBC. Non-combustible roof covering may be applied in accordance with the manufacturer's requirements in lieu of a fire retardant roofing assembly. Wood roofing materials are prohibited unless pressure treated and approved for fire retardant of Class A minimum. For existing structure when ten percent (10%) or more of the total roof area is re-roofed within any one-year period, shall have a Class A fire retardant roof covering for entire roof area. For existing structure when less than ten percent (10%) of the total roof area is re-roofed within any one-year period, shall have a fire retardant roof covering class equal to or greater than the existing roof covering and not less than Class B.

R902.1.2 Certification. Contractors installing roof assemblies or the building owner shall, prior to final approval of installation, provide a certificate of the roof assembly classification to the building inspector upon request.

41. Subsection R903.4 of Section R903 of Division II of CRC is hereby amended by adding a second paragraph to read as follows:

Water that accumulates on a roof shall be effectively drained and conveyed from the roof to a storm drain, street gutter, or other locations approved by the Building Official. Such water shall be conveyed through gutters, leaders, associated piping or other non-erodible surface drainage devices as approved by the Building Official. For any minor or small roofs, the Building Official may exempt this requirement.

42. A new Subsection R1001.13 **Outdoor Fireplaces, Fire Pits, Fire Rings, or similar devices** is hereby added to Section R1001 of CRC to read in its entirety as follows:

R1001.13 Outdoor Fireplaces, Fire Pits, Fire Rings, or similar devices.

Outdoor fireplaces, fire pits, fire rings, or similar exterior devices shall comply with this section.

Exception: Barbeques, grills, and other portable devices intended solely for cooking.

43. A new Subsection **R1001.13.1 Gas-fueled devices** is hereby added to Section R1001 of CRC to read as follows:

R1001.13.1 Gas-fueled devices. Outdoor fireplaces, fire pits and similar devices fueled by natural gas or liquefied-petroleum gas are allowed when approved by the Building Department and the device is designed to only burn a gas flame and not wood or other solid fuel. At R-3 occupancies, combustible construction shall not be located within three feet of an atmospheric column that extends vertically from

the perimeter of the device. Where a permanent Building Department approved hood and vent is installed, combustible construction may encroach upon this column between the bottom of the hood and the vent opening. Where chimneys or vents are installed, they shall have a spark arrester in accordance with Section R1003.9.2.

44. A new Subsection **R1001.13.2 Devices using wood or fuels other than natural gas or liquefied-petroleum gas** is hereby added to Section R1001 of CRC to read as follows:

R1001.13.2 Devices using wood or fuels other than natural gas or liquefied-petroleum gas. Fireplaces burning wood or other solid fuel shall be constructed in accordance with Section R1001. Fires in a fireplace shall be contained within a firebox with an attached chimney. The opening in the face of the firebox shall have an installed and maintained method of arresting sparks. The burning of wood or other solid fuel in a device is not allowed within 15 feet of combustible structures, unless within a permanent or portable fireplace.

45. A new Subsection **R1001.13.3 Devices using wood or fuels other than natural gas or liquefied-petroleum gas** is hereby added to Section R1001 of CRC to read as follows:

R1001.13.3 Where prohibited. The burning of wood and other solid fuels shall not be conducted within a fuel modification zone. Wood and other solid fuel burning fires in devices other than permanent fireplaces are not allowed within Wildfire Risk Areas (WRA) and adopted Fire Hazard Severity Zones (FHSZ) or in locations where conditions could cause the spread of fire to the WRA or FHSZ, unless determined by the Fire Code Official that the location or design of the device should reasonably prevent the start of a wildfire.

46. Section AO101, AO102, Subsections AO103.1, AO103.2 of Appendix O of CRC are hereby deleted and replaced with new Subsections AO103.3 to read in its entirety as follows:

AO103.3 Vehicular gates or other barriers across required fire apparatus access roads. The installation of gates or other barriers across a required fire apparatus access road shall comply with the requirements set forth in the 2013 California Fire Code Section 503.6.

47. Chapter 44 Referenced Standards is hereby adopted and revised as follows:

NFPA 13, 2016 Edition, Standard for the Installation of Sprinkler Systems is hereby amended as follows:

Section 6.7.3 is hereby revised as follows:

6.7.3 Fire department connections (FDC) shall be of an approved type. The location shall be approved and be no more than 150 feet from a public hydrant. The FDC may be located within 150 feet of a private fire hydrant when approved by the fire code official. The size of piping and the number of 2½” inlets shall be approved by the fire code official. If acceptable to the water authority, it may be installed on the backflow assembly. Fire department inlet connections shall be painted OSHA safety red or as approved. When the fire sprinkler density design requires more than 500 gpm (including inside hose stream demand), or a standpipe system is included, four 2½” inlets shall be provided.

Section 8.3.3.1 is hereby revised as follows:

8.3.3.1 When fire sprinkler systems are installed in shell buildings of undetermined use (Spec Buildings) other than warehouses (S occupancies), fire sprinklers of the quick-response type shall be used. Use is considered undetermined if a specific tenant/occupant is not identified at the time the fire sprinkler plan is submitted. Sprinklers in light hazard occupancies shall be one of the following:

1. Quick-response type as defined in 3.6.4.8
2. Residential sprinklers in accordance with the requirements of 8.4.5
3. Quick response CMSA sprinklers
4. ESFR sprinklers
5. Standard-response sprinklers used for modifications or additions to existing light hazard systems equipped with standard-response sprinklers
6. Standard-response sprinklers used where individual standard-response sprinklers are replaced in existing light hazard systems.

Section 11.1.1.1 is hereby added as follows:

11.1.1.1 When fire sprinkler systems are required in buildings of undetermined use other than warehouses, they shall be designed and installed to have a fire sprinkler density of not less than that required for an Ordinary Hazard Group 2 use, with no reduction(s) in density or design area. Warehouse fire sprinkler systems shall be designed to Figure 16.2.1.3.2 (d) curve “G”. Use is considered undetermined if a specific tenant/occupant is not identified at the time the sprinkler plan is submitted. Where a subsequent use or occupancy requires a system with greater capability, it shall be the responsibility of the occupant to upgrade the system to the required density for the new use or occupancy.

Section 11.2.3.1.1.1 is hereby added as follows:

11.2.3.1.1.1 The available water supply for fire sprinkler system design shall be determined by one of the following methods, as approved by the fire code official:

- 1) Subtract the project site elevation from the low water level for the appropriate pressure zone and multiply the result by 0.433;

- 2) Use a maximum of 40 psi, if available;
- 3) Utilize the OCFA water-flow test form/directions to document a flow test conducted by the local water agency or an approved third party licensed in the State of California.

NFPA 13D 2016 Edition, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes is hereby amended as follows:

Section 7.1.2 is hereby revised as follows:

7.1.2 The sprinkler system piping shall not have separate control valves installed unless supervised by a central station, proprietary, or remote station alarm service.

Appendix O Vehicular Gates is adopted with only the section indicated below:

SECTION AO103.3 Vehicular gates or other barriers across required fire apparatus access roads is hereby added as follows:

AO103.3 Vehicular gates or other barriers across required fire apparatus access roads. The installation of gates or other barriers across a required fire apparatus access road shall be approved by the fire code official. Gates or barriers shall be in accordance with Orange County Fire Authority Guideline B-09 "Fire Master Plans for Commercial and Residential Development".

Section 6. Section 8.12.010 of Chapter 8.12 of the Dana Point Municipal Code entitled "Amendments, Additions and Deletions" is hereby amended by adding a new Subsection 205.6 of Section 205 of the Uniform Housing Code to read as follows:

1. **205.6 Posted buildings, structures, and properties.** Posted buildings, structures, and properties shall not be occupied or accessed without prior written approval of the building official. Once posted, access requests shall be made to the building official in writing, 24 hours in advance, for each request per day with the following information:
 - Full name of each person to be on the property;
 - The full purpose of being on the property; and
 - The duration of time they are requesting and stating the start and finish time.Anyone accessing a posted property, building, or structure without the express approval of the building official is in violation of this code.

Section 7. Section 8.14.001 of Chapter 8.14 of the Dana Point Municipal Code entitled "Adoption of the California Electrical Code" is hereby amended to read in its entirety as follows:

The City Council of the City of Dana Point hereby adopts by reference the California Code of Regulations Title 24, Part 3, known and designated as the California Electrical

Code (CEC), 2016 Edition based on the National Electrical Code (NEC), 2014 Edition, as published by the National Fire Protection Association with the modifications set forth below for the purpose of prescribing regulations for the installation, arrangement, alteration, repairing, replacement, remodeling, or use and other operation of electrical wiring, connections, fixtures and other electrical appliances on premises within the City. The provisions of this code shall constitute the electrical code regulations of the City. The California Electrical Code is on file for public examination in the office of the City Clerk.

Section 8. Section 8.14.010 of Chapter 8.14 of the Dana Point Municipal Code entitled "Amendments, Additions and Deletions" is hereby amended to read in its entirety as follows:

1. Section 89.108 of Article 89 of the California Electrical Code is hereby amended in accordance with the administrative and fee provisions contained in Chapter 1 Division II of the California Building Code and California Residential Code as amended by the City of Dana Point, where applicable.
2. A new Subdivision (C) of Section 90.8 of Article 90 of the California Electrical Code is hereby added to read in its entirety as follows:

(C) Wiring to be in an Underground System. Supply wiring for or to accessory uses, accessory buildings, secondary units, yard lights and post signs shall be in an underground system.

3. A new section 225.28 of Article 225 of the California Electrical Code is hereby added to read in its entirety as follows:

225.28 Outdoor Installations. All yard wiring shall be installed underground except for festoon lighting, temporary lighting or wiring systems serviced by a public utility.

4. Subsection 230.2 of Article 230 of Chapter 3 of the California Electrical Code is hereby amended by amending the first sentence to read as follows:

A building, tenant space, or other structure served shall be supplied by only one service unless permitted in 230.2(A) through (D).

5. Subdivision 310.106(B) of Section 310.106 of Article 310 of Chapter 3 of the California Electrical Code is hereby amended to add a third and fourth paragraph to read as follows:

Copper wire shall be used for wiring No. 6 and smaller in all installations. Consideration for use of aluminum wiring can be made by the Building Official for feeder lines only on an individual basis where adequate safety measures can be ensured.

Aluminum wire may only be permitted on an individual case-by-case basis by the Building Official. Any such approval shall be based upon findings showing that all of the following conditions exist:

- (a) Wire size shall not be less than No. 6
- (b) Continuous inspection of each connection by a qualified inspector approved by the Building Official in advance.
- (c) Installation of antioxidant compound/material at each connection.
- (d) Use of electrical equipment listed for aluminum wiring.
- (e) The installer shall notify the building owner in writing that aluminum wiring was used. The notification shall specify exact locations of wire and its purposes. Certificate of Occupancy will not be issued until a copy of the notification letter is submitted to the Building Official for a review and approval.

6. Table No. 310.106(A) of Section 310.106 of Article 310 of Chapter 3 of the California Electrical Code is hereby amended by adding a note at the bottom to read as follows:

Note. Use of aluminum conductors requires prior approval from Building Official. See Section 310.106(B) Conductor Material.

7. Subsection 310.121 of Article 310 of Chapter 3 of the California Electrical Code is hereby added to read as follows:

310.121 Continuous inspection of aluminum wiring. Aluminum conductors of No. six (6) or smaller used for branch circuits shall require continuous inspection by an independent testing agency approved by the Building Official for proper torque of connections at their termination point.

8. Subsection 690.13 Building or Other Structures Supplied by a Photovoltaic System of Article 690 of Chapter 6 of the California Electrical Code is hereby amended by the addition to read as follows:

(A) Location. The PV disconnecting means shall be installed at a readily accessible location either on the outside of a building or structure or inside nearest the point of entrance of the system conductors.

Section 9. Section 8.16.001 of Chapter 8.16 of the Dana Point Municipal Code entitled "Adoption of the California Plumbing Code" is hereby amended to read in its entirety as follows:

The City Council of the City of Dana Point hereby adopts by reference the California Code of Regulations Title 24, Part 5, known and designated as the California Plumbing Code (CPC), 2016 Edition based on the 2015 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials with the modifications set forth below for the purpose of prescribing regulations for the design, quality of materials, erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of plumbing systems in the City including Appendices A, B, C, D, E, H, I,

J, K, and L. The provisions of this code shall constitute the plumbing code regulations of the City. The California Plumbing Code is on file for public examination in the office of the City Clerk.

Section 10. Section 8.16.010 of Chapter 8.16 of the Dana Point Municipal Code entitled "Amendments, Additions and Deletions" is hereby amended to read in its entirety as follows:

1. Chapter 1 Division II of the California Plumbing Code is hereby amended in accordance with the administrative and fee provisions contained in Chapter 1 Division II of the California Building Code and California Residential Code as amended by the City of Dana Point, where applicable.

2. Subsection 604.1 of Section 604.0 of the California Plumbing Code is hereby amended by adding a sentence to end of the second paragraph to read as follows:

Ferrous materials are prohibited for water pipe and fittings when installed in the ground unless a soils analysis is provided to show that soil conditions will not be damaging to the piping material. (*Balance of the section to remain unchanged*)

3. Subsection 609.3(2) of Section 609.0 of the California Plumbing Code is hereby amended by amending the first paragraph to read in its entirety as follows:

609.3(2) Copper water piping installed under concrete floor slabs within a building or structure shall be copper tube Type "K" and shall be installed without joints where possible. Where joints are permitted, they shall be brazed and fitting shall be wrought copper. Such copper tubing shall be placed in a sand bed a minimum of three inches (3") in depth, and properly protected penetrates concrete and similar materials.

4. Subsection 610.8 of Section 610 of the California Plumbing Code is hereby amended by deleting the last paragraph and replacing it with the following:

No building supply pipe shall be less than one inch (1") in diameter unless a design or calculations are submitted and approved by Administrative Authority. Each main building shall have a minimum of two three-quarter-inch (3/4") hose bibs; one located readily accessible to the front yard and one to the back yard.

5. Subsection 1208.5 of Section 1208.0 of California Plumbing Code is hereby amended by adding the following sentences to the end of the paragraph:

Approved PE pipe and fittings shall be used in exterior buried gas piping systems. Ferrous gas piping is not permitted to be installed underground unless a soils analysis is provided to show that soil conditions will not be damaging to the piping material.

Section 11. Section 8.20.001 of Chapter 8.20 of the Dana Point Municipal Code entitled "Adoption of the California Mechanical Code" is hereby amended to read in its entirety as follows:

The City Council of the City of Dana Point hereby adopts by reference the California Code of Regulations Title 24, Part 4, known and designated as the California Mechanical Code (CMC), 2016 Edition based on the 2015 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials with the modifications set forth below for the purpose of prescribing regulations for the design, construction, installation, quality of materials, location, operation and maintenance or use of heating, ventilating, cooling, refrigeration systems, incinerators and other heat-producing appliances in the City including Appendices A, B, C, D, E, F and G. The provisions of this code shall constitute the mechanical code regulations of the City. The California Mechanical Code is on file for public examination in the office of the City Clerk.

Section 12. Section 8.20.010 of Chapter 8.20 of the Dana Point Municipal Code entitled "Amendments, Additions and Deletions" is hereby amended to read in its entirety as follows:

1. Chapter 1 Division II of the California Mechanical Code is hereby amended in accordance with the administrative and fee provisions contained in Chapter 1 Division II of the California Building Code and California Residential Code as amended by the City of Dana Point, where applicable.

2. Subsection 304.3.1.2 of Section 304 of the California Mechanical Code is hereby amended by amending the first paragraph to read as follows:

304.3.1.2 Permanent Ladders. Permanent ladders required by section 304.3.1.1 and permanent ladders attached to the exterior of the building shall be constructed in accordance with the following:

3. The first paragraph of Subsection 504.3 of the Section 504 of the California Mechanical Code is hereby amended to read as follows:

504.3 Domestic Range Hoods and Vents. Kitchen Range Hoods shall be installed for cooking facilities with an approved forced-draft system of ventilation vented to the outside of the building. Ducts used for domestic kitchen range ventilation shall be of metal, or other approved material, and shall have smooth interior surfaces. Ducts for domestic range hoods shall only serve cooking appliances. *(Balance of the subsection to remain unchanged.)*

Section 13. Section 8.24.001 of Chapter 8.24 of the Dana Point Municipal Code entitled "Adoption of the California Fire Code" is hereby amended to read in its entirety as follows:

The City Council of the City of Dana Point hereby adopts by reference the California Code of Regulations Title 24, Part 9, known and designated as the 2016 California Fire Code (CFC), based on the International Fire Code, 2015 Edition, with errata, published by

International Code Council (ICC), and the whole thereof, including Division II in Chapter 1, Appendix A, Appendix B, Appendix BB, Appendix C, Appendix CC, and the Orange County Fire Authority Guidelines with the modifications set forth below for the purpose of prescribing regulations governing conditions hazardous to the life and property from fire or explosion. The provisions of this code shall constitute the fire code regulations of the City. The California Fire Code is on file for public examination in the office of the City Clerk.

Section 14. Section 8.24.010 of Chapter 8.24 of the Dana Point Municipal Code entitled "Amendments, Additions, and Deletions" is hereby amended to read in its entirety as follows:

1. Subsection [A] 102.10 of Section 102 of Division II of Chapter 1 of CFC is hereby amended to read in its entirety as follows:

[A] 102.10 Conflicting Provisions. Where there is a conflict between a general requirement and a specific requirement, the fire code official shall decide which requirement meets the general intent of this code.

2. A new Subsection [A] 103.5 is hereby added to Section 103 of Division II of Chapter 1 of CFC to read in its entirety as follows.

[A] 103.5 Enforcement and Inspections. The California Fire Code and the International Fire Code with amendments shall be enforced by the Orange County Fire Authority, which shall be operated under the Fire Chief of the Orange County Fire Authority. The Fire Chief of the Orange County Fire Authority may detail such members of the fire authority as inspectors as shall be necessary from time to time.

3. Subsection [A] 109.4 of Division II of Chapter 1 of CFC is hereby amended and by adding new Subsections 109.4.2 as follows:

[A] 109.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or shall fail to comply with any issued orders or notices or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall result in penalties assessed as prescribed in the OCFA Prevention Field Services adopted fee schedule. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

109.4.2 Infraction and misdemeanor. Persons operating or maintaining any occupancy, premises or vehicle subject to this code that shall permit any fire or life safety hazard to exist on premises under their control shall be guilty of an infraction. Persons who fail to take immediate action to abate a fire or life safety hazard when ordered or notified to do so by the chief or a duly authorized representative are guilty of a misdemeanor.

4. Section 202 of CFC is hereby amended and by adding/revising the following definitions:

ALTERATION. Any construction or renovation to an existing structure other than a repair or addition. Alterations include but are not limited to the addition or elimination of walls within the existing building envelope. Alteration also includes modifications to the structure which involve 50% or more removal and replacement of wall board within any room.

FLOOR AREA, FIRE SPRINKLERS. For the purpose of calculating square footage for application of fire sprinkler requirements, the floor area shall be determined to include the entire square footage of a room or designated area where any work or modifications are being made or proposed.

HAZARDOUS FIRE AREA. Includes all areas identified within Section 4906.2 and other areas as determined by the Fire Code Official due to the presence of combustible vegetation, or the proximity of the property to an area that contains combustible vegetation.

OCFA: Orange County Fire Authority, fire authority having jurisdiction.

SKY LANTERN. An airborne lantern typically made of paper, Mylar, or other lightweight material with a wood, plastic, or metal frame containing a candle, fuel cell, or other heat source that provides buoyancy.

SPARK ARRESTER. A listed device constructed of noncombustible material specifically for the purpose of meeting one of the following conditions:

1. Removing and retaining carbon and other flammable particles/debris from the exhaust flow of an internal combustion engine in accordance with California Vehicle Code Section 38366.
2. Fireplaces that burn solid fuel in accordance with California Building Code Chapter 28.

5. Subsection 304.1.2 of Section 304 of CFC is hereby amended as follows:

304.1.2 Vegetation. Type, amount, or arrangement of weeds, grass, vines or other growth that is capable of being ignited and endangering property-needing to comply with OCFA Guidelines, shall be cut, thinned, and removed by the owner or occupant of the premises in accordance with OCFA Guideline C-05 "Vegetation Management Guideline—Technical Design for New Construction, Fuel Modification Plans, and Maintenance Program. Vegetation clearance requirement in urban-wildland interface areas shall be in accordance with Chapter 49.

6. A new subsection 305.6 is hereby added to section 305 of CFC to read in its entirety as follows:

305.6 Hazardous conditions. Outdoor fires are not allowed when predicted sustained winds exceed 8 MPH during periods when relative humidity is less than 25%, or a red flag condition has been declared or public announcement is made, when an official sign was caused to be posted by the fire code official, or when such fires present a hazard as determined by the fire code official.

7. **Section 305.7 Disposal of rubbish** is hereby added as follows:

305.7 Disposal of rubbish. Rubbish, trash or combustible waste material shall be burned only within an approved incinerator and in accordance with Section 307.2.1.

8. A new subsection 307.6 is hereby added to section 307 of CFC and the title of 307 is amended to read as follows:

Section 307 OPEN BURNING, RECREATIONAL FIRES, FIRE PITS, FIRE RINGS, AND PORTABLE OUTDOOR FIREPLACES is hereby revised to read as follows:

307.6 Outdoor Fireplaces, Fire Pits, Fire Rings, or similar devices used at Group R Occupancies. Outdoor fireplaces, fire pits, fire rings, or similar exterior devices used at Group R shall comply with this section:

Exception: Barbeques, grills, and other portable devices intended solely for cooking.

Section 307.6.1 Gas-fueled devices is hereby added as follows:

307.6.1 Gas-fueled devices. Outdoor fireplaces, fire pits and similar devices fueled by natural gas or liquefied-petroleum gas are allowed when approved by the Building Department and the device is designed to only burn a gas flame and not wood or other solid fuel. At R-3 occupancies, combustible construction shall not be located within three feet of an atmospheric column that extends vertically from the perimeter of the device. At other R occupancies, the minimum distance shall be ten feet. Where a permanent Building Department approved hood and vent is installed, combustible construction may encroach upon this column between the bottom of the hood and the vent opening. Where chimneys or vents are installed, they shall have a spark arrester as defined in Section 202.

Section 307.6.2 Devices using wood or fuels other than natural gas or liquefied-petroleum gas is hereby added as follows:

307.6.2 Devices using wood or fuels other than natural gas or liquefied-petroleum gas. Fireplaces burning wood or other solid fuel shall be constructed in accordance with the California Building Code. Fires in a fireplace shall be contained within a firebox with an attached chimney. The opening in the face of the firebox shall have an installed and maintained method of arresting sparks. The

burning of wood or other solid fuel in a device is not allowed within 15 feet of combustible structures, unless within a permanent or portable fireplace. Conditions which could cause a fire to spread within 25 feet of a structure or to vegetation shall be eliminated prior to ignition. Fires in devices burning wood or solid fuel shall be in accordance with Sections 305, 307, and 308.

Section 307.6.2.1 Where prohibited is hereby added as follows:

307.6.2.1 Where prohibited. The burning of wood and other solid fuels shall not be conducted within a fuel modification zone. Wood and other solid fuel burning fires in devices other than permanent fireplaces are not allowed within Wildfire Risk Areas (WRA) and Wildland-Urban Interface Areas (WUI) or in locations where conditions could cause the spread of fire to the WRA or WUI unless determined by the Fire Code Official that the location or design of the device should reasonably prevent the start of a wildfire.

9. **Section 309.2.1 Indoor charging of electric carts/cars** is hereby added to Chapter 3 of the CFC to read as follows:

309.2.1 Indoor charging of electric carts/cars. Indoor charging of electric carts/cars where the combined volume of all battery electrolyte exceeds 50 gallons shall comply with following:

1. Spill control and neutralization shall be provided and comply with Section 608.5.
2. Room ventilation shall be provided and comply with Section 608.6.1
3. Signage shall be provided and comply with Section 608.7.1
4. Smoke detection shall be provided and comply with Section 608.9.

10. A new section 320 is hereby added to Chapter 3 of the CFC to read in its entirety as follows:

320 Fuel Modification Requirements for New Construction. All new structures and facilities adjoining land containing hazardous combustible vegetation shall be approved and in accordance with the requirements of OCFA Guideline C-05 "Vegetation Management Guideline – Technical Design for New Construction Fuel Modification Plans and Maintenance Program."

11. A new section 321 is hereby added to Chapter 3 of the CFC to read in its entirety as follows:

321 Clearance of brush or vegetation growth from roadways. The fire code official is authorized to cause areas within 10 feet (3048 mm) on each side of portions of highways and private streets which are improved, designed or ordinarily used for vehicular traffic, to be cleared of flammable vegetation and other combustible growth. Measurement shall be from the flow-line or the end of the improved edge of the roadway surfaces.

Exception: Single specimens of trees, ornamental shrubbery or cultivated ground cover such as green grass, ivy, succulents or similar plants used as ground covers, provided that they do not form a means of readily transmitting fire.

12. A new section 322 is hereby added to Chapter 3 of the CFC to read in its entirety as follows:

322 Unusual circumstances. The fire code official may suspend enforcement of the vegetation management requirements and require reasonable alternative measures designed to advance the purpose of this code if determined that in any specific case that any of the following conditions exist:

1. Difficult terrain.
2. Danger of erosion.
3. Presence of plants included in any state and federal resources agencies, California Native Plant Society and county-approved list of wildlife, plants, rare, endangered and/or threatened species.
4. Stands or groves of trees or heritage trees.
5. Other unusual circumstances that make strict compliance with the clearance of vegetation provisions undesirable or impractical.

13. A new section 323 is hereby added to Chapter 3 of the CFC to read in its entirety as follows:

323 Use of equipment. Except as otherwise provided in this section, no person shall use, operate, or cause to be operated in, upon or adjoining any hazardous fire area any internal combustion engine which uses hydrocarbon fuels, unless the engine is equipped with a spark arrester as defined in Section 202 maintained in effective working order, or the engine is constructed, equipped and maintained for the prevention of fire.

Exceptions:

1. Engines used to provide motor power for trucks, truck tractors, buses, and passenger vehicles, except motorcycles, are not subject to this section if the exhaust system is equipped with a muffler as defined in the Vehicle Code of the State of California.
2. Turbocharged engines are not subject to this section if all exhausted gases pass through the rotating turbine wheel, there is no exhaust bypass to the atmosphere, and the turbocharger is in good mechanical condition.

Section 323.1 Spark Arresters is hereby added as follows:

323.1 Spark arresters. Spark arresters shall comply with Section 202, and when affixed to the exhaust system of engines or vehicles subject to Section 323 shall not be placed or mounted in such a manner as to allow flames or heat from the

exhaust system to ignite any flammable material.

14. A new section 324 is hereby added to Chapter 3 of the CFC to read in its entirety as follows:

324 Sky Lanterns or similar devices. The ignition and/or launching of a Sky Lantern or similar device is prohibited.

15. Chapter 4 only Sections/Subsections 401, 401.3.4, 401.9, 402, 403.2, 404.5 – 404.6.6, and 407 of the CFC is hereby adopted and all other sections/subsections are deleted without replacements.

407.5 Hazardous is revised to read as follows:

407.5 Hazardous Materials Inventory Statement. Where required by the fire code official, each application for a permit shall include OCFA's Chemical Classification Packet in accordance with Section 5001.5.2.

16. **Chapter 5 Fire Service Features** is adopted in its entirety with the following amendments:

SECTION 501.1 Scope is revised to read as follows:

501.1 Scope. Fire service features for buildings, structures and premises shall comply with this chapter and, where required by the fire code official, with OCFA Guideline B-09, "Fire Master Plan for Commercial & Residential Development." Fire service features for buildings, structures and premises located in State Responsibility Areas shall also comply with OCFA Guideline B-09a, "Fire Safe Development in State Responsibility Areas."

17. Subsection 503.1.1 of section 503 of the CFC is hereby amended by adding exception 4 as follows:

4. For Group R-3 and Group U occupancies equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, or 903.3.1.3 the fire apparatus access road shall comply with the requirements of this section and shall extend to within 300 feet (91 m) of the main entry door to the building.

18. Section 505.1.1 of the CFC is hereby added to read as follows:

Multi-family dwellings and non-residential buildings that have access from an alley or thoroughfare shall have an additional set of address number installed that is visible from said alley or thoroughfare

19. Section 510 of the CFC is hereby revised to read in its entirety as follows:

510.1 Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. The Emergency Responder Radio Coverage System shall comply with the local authority having jurisdiction's ordinance and this code.

Exceptions:

1. Where it is determined by the fire code official that the radio coverage system is not needed.
2. In facilities where emergency responder radio coverage is required and such systems, components or equipment required could have a negative impact on the normal operations of that facility, the fire code official shall have the authority to accept an automatically activated emergency radio coverage system.

This section shall not apply to the following:

1. Existing buildings or structures, unless required by the Building Official and OCFA for buildings and structures undergoing extensive remodel and/or expansion.
2. Elevators.
3. Structures that are three stories or less without subterranean storage or parking and that do not exceed 50,000 square feet on any single story.
4. Wood-constructed residential structures four stories or less without subterranean storage or parking that are not built integral to an above ground multi-story parking structure.
5. Should construction that is three stories or less that does not exceed 50,000 square feet on any single story include subterranean storage or parking, then this ordinance shall apply only to the subterranean areas.

Section 510.2 Emergency responder radio coverage in existing buildings is deleted without replacement:

Section 510.4.2.2 Technical Criteria is revised to read as follows:

510.4.2.2 Technical criteria. The fire code official shall maintain a document providing the specific technical information and requirements for the emergency responder radio coverage system. This document shall contain, but not be limited to, the various frequencies required, the location of radio sites, effective radiated power of radio sites, and other supporting technical information.

1. The frequency range supported from the 800 MHz Countywide Communications System shall be 851-869 MHz (base transmitter frequencies).
2. The frequency range supported to the 800 MHz Countywide Communications System shall be 806-824 MHz (radio field transmit frequencies).

3. A public safety radio amplification system shall include filters to reject frequencies below 851 MHz and frequencies above 869 MHz by a minimum of 35dB.
4. All system components must be 100 percent compatible with analog and digital modulations after installation without adjustments or modifications. The systems must be capable of encompassing the frequencies stated herein and capable of future modifications to a frequency range subsequently established by the jurisdiction.
5. Active devices shall have a minimum of -50 dB 3rd order intermodulation protection.
6. All active in-building coverage devices shall be FCC Part 90 Type Certified

Section 510.5.1 Approval prior to installation is revised to read as follows:

510.5.1 Approval prior to installation. Amplification systems capable of operating on frequencies licensed to any public safety agency by the FCC shall not be installed without prior plan submittal, coordination and approval from Orange County Communications and a copy of the approved plan provided to the fire and building code officials.

Section 510.5.2 Minimum qualification of personnel is revised to read as follows:

510.5.2 Minimum qualifications of personnel. The minimum qualifications of the system designer and lead installation personnel shall include both of the following:

1. A valid FCC-issued general radio operator's license.
2. Certification of in-building system training issued by a nationally recognized organization, school or a certificate issued by the manufacturer of the equipment being installed.

Section 510.5.3 Acceptance test procedure item 7 is revised to read as follows:

510.5.3 Acceptance test procedure. When an emergency responder radio coverage system is required, and upon completion of installation, the building owner shall have the radio system tested to ensure that two-way coverage on each floor of the building is not less than 90 percent. The test procedure shall be conducted as follows: ...

7. As part of the installation a spectrum analyzer or other suitable test equipment shall be utilized to ensure spurious oscillations are not being generated by the subject signal booster. This test shall be conducted at the time of installation and subsequent annual inspections by the FCC licensed technician hired by the property owner and an OCSD/Communications Division FCC-certified technician.

Section 510.6.1 Testing and proof of compliance is revised to read as follows:

510.6.1 Testing and proof of compliance.

The owner of the building or their representative shall have the emergency responder radio coverage system ~~shall be~~ inspected and tested annually or where structural changes occur including additions or remodels that could materially change the original field performance tests. Testing shall consist of the following:

1. In-building system components shall be tested to determine general functional operability.
 2. Signal boosters shall be tested to ensure that the gain is the same as it was upon initial installation and acceptance.
 3. Backup batteries and power supplies shall be tested under load of a period of one hour to verify that they will properly operate during an actual power outage. If within the 1-hour test period the battery exhibits symptoms of failure, the test shall be extended for additional 1-hour periods until the integrity of the battery can be determined.
 4. Other active components shall be checked to verify operation within the manufacturer's specifications.
 5. If noncompliance is found, the FCC licensed technician will assess improvements necessary and provide such information to OCSD Communications and the fire and building code officials.
 6. At the conclusion of the testing, a certification report, which shall verify compliance with Section 510.5.3, shall be submitted to OCSD Communications and the fire and building code officials.
20. Subsection 903.2 of section 903 of the CFC is hereby amended to read in its entirety as follows:

903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in this section and in Section 903.2 of the California Fire Code as amended by the City of Dana Point as follows:

1. **New buildings:** In addition to the requirements of section 903.2.1 through 903.2.13, approved automatic sprinkler systems in new buildings and structures shall be provided as follows (Exception: Group R Detached one-two-family dwellings and townhouses as required by section 903.2.8):
 - 1.1 Throughout all Groups A, I, E, and H Occupancies.
 - 1.2 Throughout all Group B, F, M, and S Occupancies exceeding 1,000 square feet.
 - 1.3 Throughout all Group U Occupancies exceeding 6,000 square feet.

For the purposes of this section, fire walls shall not define separate buildings.

2. Existing building

1. **Alteration:** When the floor area of the Alteration within any two-year period exceeds 75% of area of the existing structure and the alteration includes structural modifications other than seismic upgrade.
 2. **Addition:** Sprinkler protection shall be provided throughout the entire building when:
 1. Existing building less than 5,000 ft²: where 20% or more is added and the gross floor area exceeds 5,000 square feet.
 2. Existing building equal or greater than 5,000 ft²: where more than 1,000 ft² is added.
 3. The existing building has fire sprinklers installed.
21. Subsection 903.2.8 of section 903 of the CFC is hereby amended to read in its entirety as follows:

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area as follows:

1. All new Group R occupancies, including the attached garages.
2. All existing Group R occupancies and U garages when the total floor area is increase by 50% of the existing area over a 2-year period.
3. All existing Group R occupancies and U garages when the total area is increased by 750 square feet or more over a 2-year period.
4. All existing Group R occupancies and U garages when an additional story is added to the structure regardless of the area involved.
5. An automatic sprinkler system shall be installed throughout any existing Group R Occupancy building when the floor area of the Alteration or Combination of an Addition and Alteration, within any two year period, is 50% or more of area/value of the existing structure and where the scope of the work exposes building framing and facilitates sprinkler installation and is such that the Building/Fire Code Official determines that the complexity of installing a sprinkler system would be similar as in a new building.
6. Any addition to an existing building which has fire sprinklers installed.

Exceptions:

1. Existing Group R-3 occupancies converted to Group R-3.1 occupancies not housing bedridden clients, not housing nonambulatory clients above the first floor and not housing clients above the second floor.
2. Existing Group R-3 occupancies converted to Group R-3.1 occupancies housing only one bedridden client and complying with Section 425.8.3.3.
3. Pursuant to Health and Safety Code Section 13113 occupancies housing ambulatory children only, none of whom are mentally ill or mentally retarded, and the buildings or portions thereof in which such children are housed are

not more than two stories in height, and buildings or portions thereof housing such children have an automatic fire alarm system activated by approved smoke detectors.

4. Pursuant to Health and Safety Code Section 13143.6 occupancies licensed for protective social care which house ambulatory clients only, none of whom is a child (under the age of 18 years), or who is elderly (65 years of age or over).

When not used in accordance with Section 504.2 or 506.3 of the California Building Code an automatic sprinkler system installed in accordance with Section 903.3.1.2 shall be allowed in Group R-2.1 occupancies.

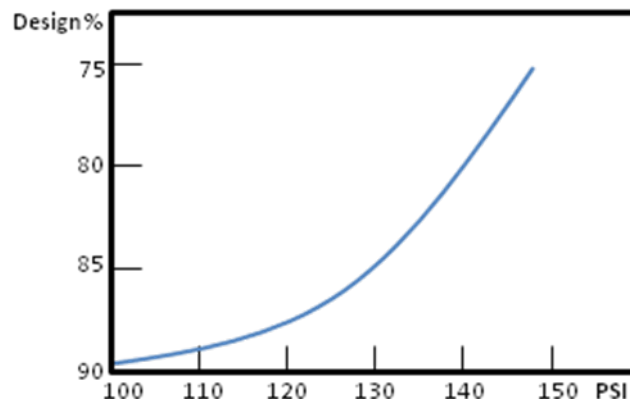
An automatic sprinkler system designed in accordance with Section 903.3.1.3 shall not be utilized in Group R-2.1 or R-4 occupancies.

22. Subsection 903.3.5.3 of section 903 of the CFC is hereby added to read in its entirety as follows:

903.3.5.3 Hydraulically calculated systems. The design of hydraulically calculated fire sprinkler systems shall not exceed 90% of the water supply capacity.

Exception: When static pressure exceeds 100 psi, and when required by the fire code official, the fire sprinkler system shall not exceed the water supply capacity specified by Table 903.3.5.3.

TABLE 903.3.5.3
Hydraulically Calculated Systems



23. Chapter 11 only Sections/Subsections 1103.7, 1103.7.3, 1103.7.3.1, 1103.7.8 – 1103.7.8.2, 1103.7.9 – 1103.7.9.10, 1103.8 – 1103.8.5.3, 1107, 1113, 1114, 1115, and 1116 of the CFC is hereby adopted and all other sections/subsections are deleted without replacements.

24. Subsection 2801.2 of Section **2801 Lumber Yards and Agro-Industrial, Solid Biomass and Woodworking Facilities** of CFC is hereby amended to read in its entirety as follows:

2801.2 Permit. Permits shall be required as set forth in Section 105.6 and 105.6.29.

25. Subsection 2808.2 of Section 2808 of CFC is hereby amended to read in its entirety as follows:

2808.2 Storage site. Storage sites shall be level and on solid ground, elevated soil lifts or other all-weather surface. Sites shall be thoroughly cleaned and approval obtained from the fire code official before transferring products to the site.

26. Subsection 2808.3 of Section 2808 of CFC is hereby revised as follows:

2808.3 Size of piles. Piles shall not exceed 15 feet in height, 50 feet in width and 100 feet in length.

Exception: The fire code official is authorized to allow the pile size to be increased where a fire protection plan is provided for approval that includes, but is not limited to, the following:

1. Storage yard areas and materials-handling equipment selection, design and arrangement shall be based upon sound fire prevention and protection principles.
2. Factor that lead to spontaneous heating shall be identified in the plan, and control of the various factors shall be identified and implemented, including provisions for monitoring the internal condition of the pile.
3. The plan shall include means for early fire detection and reporting to the public fire department; and facilities needed by the fire department for fire extinguishment including a water supply and fire hydrants.
4. Fire apparatus access roads around the piles and access roads to the top of the piles shall be established, identified and maintained.
5. Regular yard inspections by trained personnel shall be included as part of an effective fire prevention maintenance program.

Additional fire protection called for in the plan shall be provided and shall be installed in accordance with this code. The increase of the pile size shall be based upon the capabilities of the installed fire protection system and features.

27. Subsection 2808.4 of Section 2808 of CFC is hereby amended to read as follows:

2808.4 Pile separation. Piles shall be separated from adjacent piles by a minimum distance of 20 feet. Additionally, piles shall have a minimum separation of 100 feet from combustible vegetation.

28. Subsection 2808.7 of Section 2808 of CFC is hereby amended to read as follows:

2808.7 Pile fire protection. Automatic sprinkler protection shall be provided in conveyor tunnels and combustible enclosures that pass under a pile. Combustible conveyor systems and enclosed conveyor systems shall be equipped with an approved automatic sprinkler system. Oscillating sprinklers with a sufficient projectile reach are required to maintain a 40% to 60% moisture content and wet down burning/smoldering areas.

29. Subsection 2808.9 of Section 2808 of CFC is hereby amended as follows:

2808.9 Material-handling equipment. All material-handling equipment operated by an internal combustion engine shall be provided and maintained with an approved spark arrester. Approved material-handling equipment shall be available for moving wood chips, hogged material, wood fines and raw product during fire-fighting operations.

30. A new Subsection 2808.11 is hereby added to Chapter 28 of CFC to read in its entirety as follows:

2808.11 Temperature control. The temperature shall be monitored and maintained as specified in Sections 2808.11.1 and 2808.11.2.

2808.11.1 Pile temperature control. Piles shall be rotated when internal temperature readings are in excess of 165 degrees Fahrenheit.

2808.11.2 New material temperature control. New loads delivered to the facility shall be inspected and tested at the facility entry prior to taking delivery. Material with temperature exceeding 165 degrees Fahrenheit shall not be accepted on the site. New loads shall comply with the requirements of this chapter and be monitored to verify that the temperature remains stable.

31. Subsection 2808.12 of Section 2808 of CFC is hereby amended to read as follows:

2808.12 Water Availability. Facilities with over 2500 cubic feet shall provide a water supply. The minimum fire flow shall be no less than 500 GPM @ 20 psi for a minimum of 1 hour duration for pile heights up to 6 feet and 2 hour duration for pile heights over 6 feet. If there is no water purveyor, an alternate water supply with storage tank(s) shall be provided for fire suppression. The water supply tank(s) shall provide a minimum capacity of 2500 gallons per pile (maximum 30,000 gallons) for piles not exceeding 6 feet in height and 5000 gallons per pile (maximum 60,000) for piles exceeding 6 feet in height. Water tank(s) shall not be used for any other purpose unless the required fire flow is left in reserve within the tank at all times. An approved method shall be provided to maintain the required amount of water within the tank(s).

32. Subsection 2808.13 of Section 2808 of CFC is hereby amended to read as follows:

2808.13 Tipping areas shall comply with the following:

1. Tipping areas shall not exceed a maximum area of 50 feet by 50 feet.
 2. Material within a tipping area shall not exceed 5 feet in height at any time.
 3. Tipping areas shall be separated from all piles by a 20 foot wide fire access lane.
 4. A fire hydrant or approved fire water supply outlet shall be located within 150 feet of all points along the perimeter of the tipping area.
 5. All material within a tipping area shall be processed within 5 days of receipt.
33. Subsection 2808.14 of Section 2808 of CFC is hereby amended to read as follows:

2808.14 Emergency Contact. The contact information of a responsible person or persons shall be provided to the Fire Department and shall be posted at the entrance to the facility for responding units. The responsible party should be available to respond to the business in emergency situation.

34. Subsection 4906.3 of Section 4906 of CFC is hereby amended to read as follows:

4906.3 Requirements. Hazardous vegetation and fuels around all applicable buildings and structure shall be maintained in accordance with the following laws and regulations:

1. Public Resources Code, Section 4291.
 2. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 3, Section 1299 (see guidance for implementation “General Guideline to Create Defensible Space”).
 3. California Government Code, Section 51182.
 4. California Code of Regulations, Title 19, Division 1, Chapter 7, Subchapter 1, Section 3.07.
 5. OCFA Guideline C-05 “Vegetation Management Guideline – Technical Design for New Construction Fuel Modification Plans and Maintenance Program.”
35. Section 4908 of Chapter 49 of CFC is hereby added to read as follows:

4908 Fuel Modification Requirements for New Construction. All new buildings to be built or installed in a Wildfire Risk Area shall comply with the following:

1. Preliminary fuel modification plans shall be submitted to and approved by the fire code official prior to or concurrently with the approval of any tentative map.
2. Final fuel modification plans shall be submitted to and approved by the fire code official prior to the issuance of a grading permit.
3. The fuel modification plans shall meet the criteria set forth in the Fuel Modification Section of OCFA Guideline C-05 “Vegetation Management Guideline – Technical Design for New Construction Fuel Modification Plans

and Maintenance Program.”

- 3.1 The fuel modification plan shall include provisions for the maintenance of the fuel modification in perpetuity.
 4. The fuel modification plan may be altered if conditions change. Any alterations to the fuel modification areas shall have prior approval from the fire code official.
 5. All elements of the fuel modification plan shall be maintained in accordance with the approved plan and are subject to the enforcement process outlined in the Fire Code.
36. Subsection 5001.5.2 of Section 5001 of CFC is hereby amended to read as follows:
- 5001.5.2 Hazardous Materials Inventory Statement (HMIS).** Where required by the fire code official, an application for a permit shall include Orange County Fire Authority’s Chemical Classification Packet, which shall be completed and approved prior to approval of plans, and/or the storage, use or handling of chemicals on the premises. The Chemical Classification Packet shall include the following information:
1. Product Name.
 2. Component.
 3. Chemical Abstract Service (CAS) number.
 4. Location where stored or used.
 5. Container size.
 6. Hazard classification.
 7. Amount in storage.
 8. Amount in use-closed systems.
 9. Amount in use-open systems.
37. Subsection 5003.1.1 of Section 5003 of CFC is hereby amended by adding a new subsection as follows:
- 5003.1.1.1 Extremely Hazardous Substances.** No person shall use or store any amount of extremely hazardous substances (EHS) in excess of the disclosable amounts (see Health and Safety Code Section 25500 et al) in a residential zoned or any residentially developed property.
38. Subsection Section 5608.2 of Chapter 56 of CFC is hereby added as follows:
- Section 5608.2 Firing.** All fireworks displays, regardless of mortar, device, or shell size, shall be electrically fired.
39. Subsection Section 5608.3 of Chapter 56 of CFC is hereby added as follows:

Section 5608.3 Application for Permit. A diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the fallout area based on 100 feet per inch of shell size, the location of all buildings, roads, and other means of transportation, the lines behind which the audience will be restrained, the location of all nearby trees, telegraph or telephone line, or other overhead obstructions shall be provided to OCFA.

40. Chapter 80 Referenced Standards of CFC is hereby adopted in its entirety with the following amendments:

NFPA 13, 2016 Edition, Standard for the Installation of Sprinkler Systems is hereby amended as follows:

Section 6.7.3 is hereby revised to read as follows:

6.7.3 Fire department connections (FDC) shall be of an approved type. The location shall be approved and be no more than 150 feet from a public hydrant. The FDC may be located within 150 feet of a private fire hydrant when approved by the fire code official. The size of piping and the number of 2½" inlets shall be approved by the fire code official. If acceptable to the water authority, it may be installed on the backflow assembly. Fire department inlet connections shall be painted OSHA safety red or as approved. When the fire sprinkler density design requires more than 500 gpm (including inside hose stream demand), or a standpipe system is included, four 2½" inlets shall be provided.

Section 8.3.3.1 is hereby revised to read as follows:

8.3.3.1 When fire sprinkler systems are installed in shell buildings of undetermined use (Spec Buildings) other than warehouses (S occupancies), fire sprinklers of the quick-response type shall be used. Use is considered undetermined if a specific tenant/occupant is not identified at the time the fire sprinkler plan is submitted. Sprinklers in light hazard occupancies shall be one of the following:

1. Quick-response type as defined in 3.6.4.8
2. Residential sprinklers in accordance with the requirements of 8.4.5
3. Quick response CMSA sprinklers
4. ESFR sprinklers
5. Standard-response sprinklers used for modifications or additions to existing light hazard systems equipped with standard-response sprinklers
6. Standard-response sprinklers used where individual standard-response sprinklers are replaced in existing light hazard systems

Section 11.1.1.1 is hereby added as follows:

11.1.1.1 When fire sprinkler systems are required in buildings of undetermined use other than warehouses, they shall be designed and installed to have a fire sprinkler density of not less than that required for an Ordinary Hazard Group 2 use, with no

reduction(s) in density or design area. Warehouse fire sprinkler systems shall be designed to Figure 16.2.1.3.2 (d) curve "G". Use is considered undetermined if a specific tenant/occupant is not identified at the time the sprinkler plan is submitted. Where a subsequent use or occupancy requires a system with greater capability, it shall be the responsibility of the occupant to upgrade the system to the required density for the new use or occupancy.

Section 11.2.3.1.1.1 is hereby added as follows:

11.2.3.1.1.1 The available water supply for fire sprinkler system design shall be determined by one of the following methods, as approved by the fire code official:

- 1) Subtract the project site elevation from the low water level for the appropriate pressure zone and multiply the result by 0.433;
- 2) Use a maximum of 40 psi, if available;
- 3) Utilize the OCFA water-flow test form/directions to document a flow test conducted by the local water agency or an approved third party licensed in the State of California.

NFPA 13D 2016 Edition, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes is hereby amended as follows:

Section 7.1.2 is hereby revised to read as follows:

7.1.2 The sprinkler system piping shall not have separate control valves installed unless supervised by a central station, proprietary, or remote station alarm service:

NFPA 14, 2013 Edition, Installation of Standpipe and Hose Systems is hereby amended as follows:

Section 7.3.1.1 is hereby revised to read as follows:

7.3.1.1 Class I and III Standpipe hose connections shall be unobstructed and shall be located not less than 18 inches or more than 24 inches above the finished floor. Class II Standpipe hose connections shall be unobstructed and shall be located not less than 3 feet or more than 5 feet above the finished floor.

NFPA 24, 2016 Edition, Standard for the Installation of Private Fire Service Mains and Their Appurtenances is hereby amended as follows:

Section 6.2.8.1 is hereby added as follows:

6.2.8.1 All indicating valves controlling fire suppression water supplies shall be painted OSHA red.

Exceptions:

1. Brass or bronze valves on sprinkler risers mounted to the exterior of the building may be left unpainted.

2. Where OS&Y valves on the detector check assembly are the only control valves, at least one OS&Y valve shall be painted red.

Section 6.2.9 is hereby revised to read as follows:

All connections to private fire service mains for fire protection systems shall be arranged in accordance with one of the following so that they can be isolated:

- (1) A post indicator valve installed not less than 40 ft (12 m) from the building
 - (a) For buildings less than 40 ft (12 m) in height, a post indicator valve shall be permitted to be installed closer than 40 ft (12 m) but at least as far from the building as the height of the wall facing the post indicator valve.
- (2) A wall post indicator valve
- (3) An indicating valve in a pit, installed in accordance with Section 6.4
- (4) A backflow preventer with at least one indicating valve not less than 40 ft (12 m) from the building
 - (a) For buildings less than 40 ft (12 m) in height, a backflow preventer with at least one indicating valve shall be permitted to be installed closer than 40 ft (12 m) but at least as far from the building as the height of the wall facing the backflow preventer.
- (5) Control valves installed in a fire-rated room accessible from the exterior
- (6) Control valves in a fire-rated stair enclosure accessible from the exterior

Section 10.1.5 is hereby added as follows:

10.1.5 All ferrous pipe and joints shall be polyethylene encased per AWWA C150, Method A, B, or C. All fittings shall be protected with a loose 8-mil polyethylene tube or sheet. The ends of the tube or sheet shall extend past the joint by a minimum of 12 inches and be sealed with 2 inch wide tape approved for underground use. Galvanizing does not meet the requirements of this section.

Exception: 304 or 316 Stainless Steel pipe and fittings

Section 10.4.1.1 is hereby revised to read as follows:

10.4.1.1 All bolted joint accessories shall be cleaned and thoroughly coated with asphalt or other corrosion-retarding material after installation.

Exception: Bolted joint accessories made from 304 or 316 stainless steel.

Section 10.4.1.1.1 is hereby added as follows:

10.4.1.1.1 All bolts used in pipe-joint assembly shall be 316 stainless steel.

Section 10.4.3.2 is hereby revised to read as follows:

10.4.3.2 Where fire service mains enter the building adjacent to the foundation, the pipe may run under a building to a maximum of 24 inches, as measured from the interior face of the exterior wall to the center of the vertical pipe. The pipe under the building or building foundation shall be 304 or 316 stainless steel and shall not contain mechanical joints or it shall comply with 10.4.3.2.1 through 10.4.3.2.4.

Appendices

Appendix A is deleted in its entirety without amendments.
Appendix B is adopted in its entirety without amendments.
Appendix BB is adopted in its entirety without amendments.
Appendix C is adopted in its entirety without amendments.
Appendix CC is adopted in its entirety without amendments.
Appendix D is deleted in its entirety without amendments.
Appendix E is deleted in its entirety without amendments.
Appendix F is deleted in its entirety without amendments.
Appendix G is deleted in its entirety without amendments.
Appendix H is adopted in its entirety without amendments.
Appendix I is deleted in its entirety without amendments.
Appendix J is deleted in its entirety without amendments.
Appendix K is deleted in its entirety without amendments.
Appendix L is deleted in its entirety without amendments.
Appendix M is deleted in its entirety without amendments.
Appendix N is deleted in its entirety without amendments.

Section 15. Section 8.26.010 of Chapter 8.26 of the Dana Point Municipal Code entitled "Amendments, Additions and Deletions" is hereby amended by adding a new Subsection 404.2 of Section 404 of the California Code for Abatement of Dangerous Buildings Code to read as follows:

404.2 Posted buildings, structures, and properties. Posted buildings, structures, and properties shall not be occupied or accessed without prior written approval of the building official. Once posted, access requests shall be made to the building official in writing, 24 hours in advance, for each request per day with the following information:

- Full name of each person to be on the property;
- The full purpose of being on the property; and
- The duration of time they are requesting and stating the start and finish time.

Anyone accessing a posted property, building, or structure without the express approval of the building official is in violation of this code.

Section 16. Section 8.28.001 of Chapter 8.28 of the Dana Point Municipal Code entitled “Adoption of the California Administrative Code” is hereby amended to read in its entirety as follows:

The City Council of the City of Dana Point hereby adopts by reference the California Code of Regulations Title 24, Part 1, known and designated as the California Administrative Code, 2016 Edition. The California Administrative Code is on file for public examination in the office of the City Clerk.

Section 17. Section 8.30.001 of Chapter 8.30 of the Dana Point Municipal Code entitled “Adoption of the California Energy Code” is hereby amended to read in its entirety as follows:

The City Council of the City of Dana Point hereby adopts by reference the California Code of Regulations Title 24, Part 6, known and designated as the California Energy Code, 2016 Edition. The California Energy Code is on file for public examination in the office of the City Clerk.

Section 18. Section 8.32.001 of Chapter 8.32 of the Dana Point Municipal Code entitled “Adoption of the California Green Building Standards Code” is hereby amended to read in its entirety as follows:

The City Council of the City of Dana Point hereby adopts by reference the California Code of Regulations Title 24, Part 11, known and designated as the California Green Building Standards Code, 2016 Edition. The California Green Building Standards Code is on file for public examination in the office of the City Clerk.

Section 19. Section 8.32.010 of Chapter 8.32 of the Dana Point Municipal Code entitled “Amendments, Additions and Deletions” is hereby amended to read in its entirety as follows:

1. Subsection 301.1 of Section 301 is hereby amended to read as follows:

301.1 Scope. Buildings shall be designed to include the green building measures specified as mandatory in this code. Voluntary green building measures are also included in this code the application checklists and may be included in the design and construction of structures covered by this code, but are not required unless they are adopted by a city or county as specified in Section 101.7.

2. **Section 301.1.1 Additions and alterations.** [HCD] The mandatory provisions of Chapter 4 shall be applied to additions or alterations of existing residential buildings. Code sections relevant to additions and alterations shall only apply to the portions of the building being added or altered within the scope of the permitted work.

Note: On and after January 1, 2014, residential buildings undergoing permitted alterations, additions or improvements shall replace noncompliant plumbing fixtures with water-conserving plumbing fixtures. Plumbing fixture replacement is required prior to issuance of a certificate of final completion, certificate of occupancy or final permit approval by the local building department. See Civil Code Section 1101.1, et seq., for the definition of a noncompliant plumbing fixture, types of residential buildings affected and other important enactment dates.

Section 20. Section 8.34.001 of Chapter 8.34 of the Dana Point Municipal Code entitled "Adoption of California Historical Building Code" is hereby amended to read in its entirety as follows:

The City Council of the City of Dana Point hereby adopts by reference the California Code of Regulations Title 24, Part 8, known and designated as the California Historical Building Code, 2016 Edition. The California Historical Building Code is on file for public examination in the office of the City Clerk.

Section 21. Section 8.36.001 of Chapter 8.36 of the Dana Point Municipal Code entitled "Adoption of California Existing Building Code" is hereby amended to read in its entirety as follows:

The City Council of the City of Dana Point hereby adopts by reference the California Code of Regulations Title 24, Part 10, known and designated as the California Existing Building Code, 2016 Edition. The California Existing Building Code is on file for public examination in the office of the City Clerk.

Section 22. Section 8.38.001 of Chapter 8.38 of the Dana Point Municipal Code entitled "Adoption of California Reference Standards Code" is hereby amended to read in its entirety as follows:

The City Council of the City of Dana Point hereby adopts by reference the California Code of Regulations Title 24, Part 12, known and designated as the California Referenced Standards Code, 2016 Edition. The California Referenced Standards Code is on file for public examination in the office of the City Clerk.

Section 23. The amendments to the California Building Code, California Residential Code, California Electrical Code, California Plumbing Code, California Mechanical Code, California Green Building Standards Code and California Fire Code herein have been adopted pursuant to Health and Safety Code sections 17958.5, 17958.7, and 18941.5 and Public Resources Code section 4117 and have been justified by the local conditions prevalent in the City of Dana Point as more particularly described in City Council Resolution 16-11-01-02 incorporated herein by this reference as if set forth in full.

Section 24. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person or place, is for any reason held

to be invalid or unconstitutional by the decision of any court or competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or places. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person or place, be declared invalid or unconstitutional.

Section 23. The City Clerk shall certify as to the adoption of the Ordinance and cause the same to be published and posted as required by law.

PASSED, APPROVED, AND ADOPTED this ___ day of _____, 2016.

JOHN A. TOMLINSON, MAYOR

ATTEST:

KATHY M. WARD, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF DANA POINT)

I, Kathy Ward, City Clerk of the City of Dana Point, California, DO HEREBY CERTIFY THAT THE foregoing is a true and correct copy of Ordinance No. 16-___ adopted and passed by the City Council of the City of Dana Point, California, at a regular meeting thereof held on the 15th day of November, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(SEAL)

KATHY WARD, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF DANA POINT)

AFFIDAVIT OF POSTING
AND PUBLISHING

KATHY WARD, being first duly sworn, deposes, and says:

That she is the duly appointed and qualified City Clerk of the City of Dana Point;

That in compliance with State Laws of the State of California, ORDINANCE NO. 16-XX, being:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTERS 8.02, 8.03, 8.12, 8.14, 8.16, 8.20, 8.24, 8.26, 8.28, 8.30, 8.32, 8.34, 8.36 AND 8.38 OF TITLE 8 OF THE DANA POINT MUNICIPAL CODE ADOPTING BY REFERENCE THE CALIFORNIA CODES OF REGULATIONS TITLE 24, PARTS 1-12, KNOWN AND DESIGNATED AS THE 2016 EDITION OF THE CALIFORNIA BUILDING CODE, 2016 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, 2016 EDITION OF THE CALIFORNIA ELECTRICAL CODE, 2016 EDITION OF THE CALIFORNIA PLUMBING CODE, 2016 EDITION OF THE CALIFORNIA MECHANICAL CODE, 2016 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, 2016 EDITION OF THE CALIFORNIA REFERENCE STANDARDS CODE, 2016 EDITION OF THE CALIFORNIA ENERGY CODE, 2016 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2016 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE, 2016 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE AND THE 2016 EDITION OF THE CALIFORNIA FIRE CODE, MAKING AMENDMENTS THERETO, AND RELATED ACTIONS.

was published in summary in the Dana Point News on the 10th day of November, 2016, and the ___ day of _____, 2016, and, in further compliance with City Resolution No. 91-10-08-1, on the 3rd day of November, 2016, and the ___ day of November, 2016, was caused to be posted in four (4) public places in the City of Dana Point, to wit:

- Dana Point City Hall
- Capistrano Beach Post Office
- Dana Point Post Office
- Dana Point Library

KATHY WARD, CITY CLERK
Dana Point, California