



Council Agenda Report

To: Mayor Silverstein and the Honorable Members of the City Council

Prepared by: Yolanda Bundy, Environmental Sustainability Director/Building Official

Approved by: Steve McClary, City Manager

Date prepared: March 23, 2023 Meeting date: April 10, 2023

Subject: Adoption of Ordinance No. 504 - Los Angeles County Fire Code

RECOMMENDED ACTION: 1) Conduct the Public Hearing; and 2) Conduct the second reading, unless waived, and adopt Ordinance No. 504, adopting by reference Title 32 of the Los Angeles County Code, which incorporates the California Fire Code, 2022 Edition, as amended; adopting local amendments to said code; ratifying the Consolidated Fire Protection District of Los Angeles County's Building Standards contained in Title 32, as amended; and finding the action exempt from the California Environmental Quality Act.

FISCAL IMPACT: There is no fiscal impact associated with the recommended action.

WORK PLAN: This item was included in the Adopted Work Plan for Fiscal year 2022-2023 and is part of normal staff operations.

DISCUSSION: On March 13, 2023, the City Council introduced on first reading Ordinance No. 504 and directed staff to schedule the second reading and public hearing for April 10, 2023.

The State adopts the California Building Standards Code (CBSC), every three (3) years. The CBSC consists of 12 parts in Title 24 of the California Code of Regulations, which, taken together, establish the building standards for structural, plumbing, electrical, and mechanical systems throughout the state. Local jurisdictions may adopt amendments to the state building standards subject to specified conditions, but such local amendments must be specific to each edition of the CBSC. Malibu, along with several neighboring cities, traditionally adopts the state codes as amended by Los Angeles County to provide the public with efficient and locally applicable regional building standards.

Accordingly, on January 9, 2023, the City Council adopted Ordinance No. 503, adopting various titles of the Los Angeles County Code that incorporate the 2022 CBSC, as amended for the Los Angeles basin. At that time, the Board of Supervisors had not yet adopted regional amendments to the state building standards relating to fire protection and safety.

Effective January 31, 2023, the Los Angeles County Board of Supervisors adopted Title 32 (Fire Code) of the Los Angeles County Code, which incorporates the 2022 Edition of the California Fire Code with local modifications. The Board of Supervisors serves as the governing body of the Consolidated Fire Prevention District of Los Angeles County (District) and also adopted Title 32 in that capacity. Pursuant to section 13869.7 of the California Health and Safety Code, the District may, and does, adopt building standards relating to fire safety that are more stringent than the standards adopted by the State. The District's ordinance must be ratified by each jurisdiction in which the ordinance will apply, and any modification or denial of the District's ordinance must include a written statement describing the reasons for the modification or denial. Local modifications to substantive building standards must also be more stringent than the requirements of the State Fire Code and reasonably necessary because of local climatic, geological, or topographical conditions.

As a party to the District, Malibu regularly adopts the County Fire Code (Title 32) with an administrative amendment pertaining to local penalties for code violations. This ratification cycle, the City will also adopt a local amendment pertaining to the Council's adoption of Ordinance No. 452 on October 28, 2019. Ordinance No. 452 amended the Malibu Fire Code to make entering on properties closed to the public a trespass and to provide for personal notice of such closure when posting signs would be impractical. The amendment applies to lands in a wildfire risk area or in a Very High Fire Hazard Severity Zone (VHFHSZ) closed to the public by the fire code official at the request of the owners. Malibu modeled its ordinance on similar measures adopted by the City of Los Angeles to mitigate the risk of wildfire in its VHFHSZ. The City's proposed modifications to Title 32 are thus more restrictive than the requirements of the State Fire Code and reasonably necessary to address Malibu's risk of wildfire as a jurisdiction lying wholly within the VHFHSZ.

ALTERNATIVES: No alternatives are recommended. The City adopted the 2022 California Fire Code on January 9, 2023, along with the 2022 CBSC. Now that Los Angeles County has adopted its new Fire Code, staff has reviewed the County's amendments to the State Fire Code and recommends adopting the County Fire Code by reference rather than continue to rely upon the unmodified State Fire Code.

ATTACHMENTS:

1. Ordinance No. 504
2. Notice of Public Hearing

ORDINANCE NO. 504

AN ORDINANCE OF THE CITY OF MALIBU ADOPTING BY REFERENCE TITLE 32 OF THE 2023 LOS ANGELES COUNTY CODE, AS AMENDED, INCORPORATING THE CALIFORNIA FIRE CODE, 2022 EDITION, AND RATIFYING THE CONSOLIDATED FIRE PROTECTION DISTRICT OF LOS ANGELES COUNTY'S BUILDING STANDARDS CONTAINED IN TITLE 32, AS AMENDED, AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council of the City of Malibu does hereby ordain as follows:

SECTION 1. Section 8.12.010 of the Malibu Municipal Code is hereby amended to read as follows:

“8.12.010 Adoption of Fire Code. Except as hereinafter provided, Title 32, Fire Code, of the Los Angeles County Code, as amended and adopted on January 31, 2023, and in effect on March 2, 2023, adopting the California Fire Code, 2022 Edition (Part 9 of Title 24 of the California Code of Regulations) is hereby incorporated herein by reference as if fully set forth below, and shall be known and may be cited as the Fire Code of the City of Malibu.

In the event of any conflict between provisions of the California Fire Code, 2022 Edition, Title 32 of the Los Angeles County Code, or any amendment to the Fire Code contained in the Malibu Municipal Code, the provision contained in the latter-listed document shall control.

A copy of Title 32 of the Los Angeles County Code and the California Fire Code, 2022 Edition, have each been deposited in the office of the City Clerk of the City of Malibu and shall be at all times maintained by the City Clerk for use and examination by the public.”

SECTION 2. Section 8.12.020 of the Malibu Municipal Code is hereby amended to read as follows:

“8.12.020 Violation—Penalty. Every person violating any provision of Title 32 of the Los Angeles County Code and appendices, adopted by reference by Section 8.12.010, or of any permit or license granted thereunder, or any rules or regulations promulgated pursuant thereto, is guilty of a misdemeanor. Upon conviction thereof he or she shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment not to exceed six months, or by both such fine and imprisonment. The imposition of such penalty for any violation shall not excuse the violation or permit it to continue. Each day that a violation occurs shall constitute a separate offense.”

SECTION 3. Ratification of Building Standards.

Pursuant to Health and Safety Code section 13869.7, subdivision (a), as part of its amendments to Title 32 (Fire Code), the Consolidated Fire Protection District of Los Angeles County proposed building standards relating to fire and panic safety that are more stringent than those building standards adopted by the State Fire Marshal and contained in the California Building Code. District amendments that constitute more restrictive building standards must be ratified by the

City in order for those amendments to be enforceable within the City's jurisdiction. Pursuant to Health and Safety Code section 13869.7, subdivision (c), by adoption of this ordinance, the City Council hereby ratifies the building standards included within the ordinance amending Title 32 (Fire Code) adopted by the Board of Supervisors on January 31, 2023.

SECTION 4. Severability.

Should any section, subsection, clause, or provision of this Ordinance for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance; it being hereby expressly declared that this Ordinance, and each section, subsection, sentence, clause, and phrase hereof would have been prepared, proposed, approved, and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 5. Effective Date.

This Ordinance shall take effect on 30 days after its final adoption, and shall apply to all projects submitted to the City for plan check and/or permit application on or after that date.

SECTION 6. California Environmental Quality Act.

This Ordinance has been determined to be exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061(b)(3) because it is not a project that has the potential for causing a significant effect on the environment.

SECTION 7. Certification.

The City Clerk shall certify the adoption of this ordinance and enter it into the book of original ordinances. The City Clerk shall file a certified copy of this Ordinance with the California Building Standards Commission. The City Clerk shall also file a copy of the findings of the Consolidated Fire Protection District of Los Angeles County, together with the ordinance amending Title 32 (Fire Code) adopted by the Board of Supervisors on January 31, 2023, with the Department of Housing and Community Development.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2023.

BRUCE SILVERSTEIN, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)

Date: _____

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEY'S OFFICE
TREVOR RUSIN, Interim City Attorney

**NOTICE OF PUBLIC HEARING
CITY OF MALIBU
CITY COUNCIL**

The Malibu City Council will hold a public hearing on **MONDAY, April 10, 2023, at 6:30 p.m. on the item listed below in the Council Chambers at Malibu City Hall, located at 23825 Stuart Ranch Road, Malibu, CA, and via teleconference.**

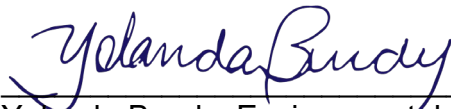
Public comment can be submitted ahead of the public hearing to citycouncil@malibucity.org for inclusion in the public record. To view and participate during the public hearing, please review the meeting agenda posted at MalibuCity.org/AgendaCenter and follow the directions for public participation.

CALIFORNIA FIRE CODE

AN ORDINANCE OF THE CITY OF MALIBU ADOPTING BY REFERENCE TITLE 32 OF THE 2023 LOS ANGELES COUNTY CODE, WHICH INCORPORATES THE 2022 EDITION OF THE CALIFORNIA FIRE CODE, AS AMENDED; ADOPTING LOCAL AMENDMENTS TO SAID CODE; RATIFYING THE CONSOLIDATED FIRE PROTECTION DISTRICT OF LOS ANGELES COUNTY'S BUILDING STANDARDS CONTAINED IN TITLE 32, AS AMENDED; AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

IF YOU CHALLENGE THE CITY COUNCIL'S ACTION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR OTHERWISE HELD BY THE CITY, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY, EITHER AT OR PRIOR TO THE PUBLIC HEARING.

If there are any questions regarding this notice, please contact Environmental Sustainability Director Bundy at (310) 456-2489, ext. 229. Copies of all related documents can be reviewed by any interested person at City Hall during regular business hours. Oral and written comments may be presented to the City Council on, or before, the date of the meeting.



Yolanda Bundy, Environmental Sustainability Director

Publish Date: March 23, 2023, March 30, 2023, and April 6, 2023